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The

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THE AGE OF HOMER

ABOVE all other works of poetic art, in the full sense of that term, are the dramas of Shakespeare and the poems of Homer. In what other poems, except in Shakespeare's dramas, shall we find such a galaxy of characters, so varied and so sustained, as we find in the *Iliad* and *Odyssey*? In the *Aeneid* there can hardly be said to be more than one character, while that one is wanting in interest. In Dante the characters are historical. In *Paradise Lost* there is but one, which represents the majesty of evil. The deity is abstract deity; the angels are angels; the pictures of Adam and Eve, however beautiful in their way, are pictures of perfect innocence. Where else shall we find such a wealth of vignettes in the form of similes? Where such a picture of conjugal love as the parting of Hector and Andromache? Where such a fairy-tale as the *Odyssey* with the Isle of Calypso, Circe, the Sirens, the Lotus-eaters, the hall of Aeolus, the Phaeacians? How completely have these creations of a poet of the dawn taken hold on the imagination of the world! The least artistic passages in appearance are the recurrences of commonplace descriptions of commonplace matters, such as navigation, sacrifice and feasting; yet even these have more the air of refrain than of careless repetition. Moral blemishes, such as the repulsive character of Athene, or the atrocities ascribed to Achilles, are faults of primitive ethics or national prejudices, not failures of art. Wonderfully close Homer comes to us across the ages. Modern pathos can go no deeper than Andromache lamenting that her Hector, slain by Achilles, will not from his death-bed stretch out his arms to her and say that pregnant word (πυκινὸν ἔπος), on which she might brood amidst her tears for the rest of her days. Sentimental appreciation of the picturesque we do not expect in a primitive and unspiritual age, any more than we expect romantic love; but the Homeric descriptions of the sea, the storm, the calm,

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the star-lit heavens, imply on the part of the writer something at least of the emotion which they awaken in us. The descriptions of the dreamer's sensations[1] and of the play of the wanderer's memory are wonderfully modern in their refinement and subtlety. Nor, if our ears tell us true, in spite of probable differences of pronunciation, is the metrical art in these poems inferior to their poetic excellence. Instances without number might be cited of what sounds to us the happy adaptation of the music of a passage to its sense. The lines describing Jupiter's nod of assent[2] is one of them.

To find a time and place before recorded civilization at which poetic art can have reached a height only once afterwards attained, is the Homeric problem, very interesting, and at the same time very tantalizing, since means of a chronological solution we have none. We can only hope to determine the political, social and aesthetic date.

The single authorship of the *Odyssey* is not much contested, and that of the *Iliad* seems to me hardly contestable. The patchwork theory, started by Wolf and carried to an extreme length by Lachmann, was the offspring of a Germany whose learning at that time was greater than her taste and judgment. The theory of Grote, who regards the *Iliad* as a nucleus with superadditions, is not the result of original investigation but is the Wolf-Lachmann theory in full retreat. Editorial patching in places there may have been. This was likely enough in the course of transmission and revision. It must surely be seen that the unity of the *Iliad* is not mechanical but organic; that the parts would bleed if torn asunder. Did one poet sing the quarrel between Achilles and Agamemnon, another its consequences, and a third their reconciliation? Did one poet write the part in which the Greeks were defeated, and another balance it by their success? Did one poet produce the Andromache of the sixth *Iliad*, and another re-produce her in the last? If the unity of the *Odyssey* is admitted, if it is impossible to suppose that one poet described Ulysses in Calypso's Isle yearning for his home, and that other poets carried him through a series of adventures to the fulfilment of his desire, why should we think a multiplicity of poets necessary to the production of the *Iliad?*

I almost as thoroughly believe in the common authorship of the two poems. The theme of the *Odyssey* is more romantic and less heroic than that of the *Iliad*, and the style is suitable to the subject. In the last books there is undoubtedly a falling off, which might be the natural consequence of exhaustion or old age. But even here such passages as the meeting of Ulysses with his dog Argos, and

[1] *Iliad*, XXII. 199–201.
[2] *Iliad*, I. 528–530.

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the comparison of the flitting of the souls of the suitors to the flitting of bats disturbed in their cranny [1] bespeak the peerless hand. There are, no doubt, *nisi prius* objections to the common authorship. But poetry is not judiciable in the court of *nisi prius*. It is passing strange, no doubt, that after a ten years' siege Priam should be asking Helen to point out to him the chiefs of the besieging army. But it is not Priam, it is the reader or hearer of the bard who wants the information. It is passing strange that in Sophocles Oedipus should have sat so long on his throne without seeking to know what had become of his predecessor. It is passing strange that in *Paradise Lost* Omnipotence, having shut up Satan in hell, should fail to keep him there, and that Omniscience should be ignorant of his flight. There are discrepancies in the Homeric poems about the age of Neoptolemus, and the chronology of Telemachus's voyage of inquiry after his father, which might be damaging under forensic cross-examination. The strongest point against the identity of the author of the *Odyssey* and the author of the *Iliad* is the discrepancy about the wife of Hephaestus, who in the *Iliad* is Charis, while in the *Odyssey* she is Aphrodite and the heroine of a queer story. But Homer makes pretty free with his pantheon. What are these things set in the balance against agreement in the delineation of a strongly-marked and complex character such as that of Ulysses; or against general identity of thought, sentiment, manner, and versification? Great, surely, would be the chances against the production by different writers of two poems equal in scale and so uniform in genius and harmonizing in details as to have been generally taken for works of the same hand. Inferior epic writers of the Cycle evidently spread themselves over a wide canvas, taking as their theme the whole history of the Trojan war from Leda's egg. But alike in the case of the *Iliad* and that of the *Odyssey*, the writer prefers a narrow canvas; in the *Iliad*, a single incident of the siege of Troy; in the *Odyssey*, a limited portion of the adventures of Ulysses; his strength lying in careful painting of character, in dialogue, and in fulness of descriptive detail. The case for common authorship might almost rest on this identity of selection and treatment. However, whether the two poems are by the same author or not, there can be no doubt that they are contemporary and products of the same school. This is sufficiently proved by the identity of language, and the occurrence of the same standard phrases in them both.

Herodotus, whose authority as to the date of these poems is commonly accepted, puts Homer and Hesiod four hundred years

[1] *Odyssey*, XXIV. 6–9.

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and not more before his own time. Herodotus is a charming writer; he gives us an inestimable picture of Greek life; but of critical accuracy as to facts he has been abundantly shown to be destitute. To give one more instance, he makes the fleet of Xerxes lose upwards of seven hundred sail by battle or storm between its arrival at Sepias Akte and its arrival at Phalerum. Yet he tells us that the loss was made up by contingents from Carystus in Euboea, Andros, Tenos, and the other Cyclades; so that the number of the fleet at Phalerum was about what it had been on its arrival at Sepias Akte. Seven hundred sail from a little town and a few petty islands! The numbers of the army of Xerxes pass belief; the details of his march are evidently poetic, and the narrative of the battle of Marathon bewilders the commentators and will bewilder them to the end of time. Yet the invasion of Greece by Xerxes fell within the historian's life-time, and he must have had abundant access to contemporary information.

Four centuries seems a wide gap to be spanned. Comparing the language of Herodotus with that of Homer, and making due allowance for poetic form and license, it appears unlikely that there should have been so wide an interval between the two. There are perhaps in Homer from twelve to twenty words which are so archaic, that it puzzles the acumen of Buttmann to determine their meaning. There are peculiarities of inflection and syntax of which it would be difficult to say what proportions are archaic, poetic, or idiosyncratic. As to the use of the digamma, Monro seems doubtful. But the language is in all respects vitally the same as that of Ionian writers, and we can use the Homeric poems in our schools and colleges as a text-book of poetic Greek.

That there should have been any great tribal cataclysm after the composition of the poems seems therefore hardly possible. From the time of Homer to that of Pisistratus the continuity of race and language must apparently have remained unbroken. This it can hardly have done for four hundred years. Had a tribal cataclysm taken place, the invading tribe would hardly have adopted the heroes, legends, and ballads of the conqueror.

That the art of poetry, or any art, should have reached perfection, an unapproachable perfection, at a bound is incredible. There must have been a considerable period of preparation; and if we throw the date of Homer back to the dawn of Greek nationality, where is this period to be found?

Some assume that Homer does not mention writing, and hence infer that he lived before its invention. Had he any occasion to mention it? He surely, however, does mention it plainly enough.

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He says[1] that Bellerophon was charged by Proetus with folded tablets wherein Proetus had written things full of deadly import. That such poems as the *Iliad* and the *Odyssey* might have been transmitted by memory is undeniable. Memory, it is truly said, would be stronger before the general use of writing; and even in our day we have had a man who could say by heart a great number of the plays of Shakespeare. The difficulty would be, not in the transmission without writing, but in the composition. How could the adjustment of parts, the elaboration of the plot, the touching and retouching which a work of high art implies, be performed without means of keeping the work before the composer's mind? Milton was blind when he composed *Paradise Lost*, but it would be written down from his dictation and read over to him for improvement and revision.

The political era of the *Iliad* is plainly fixed. It is the era of democracy lifting its head against nobility and hereditary rule. Thersites is the democratic agitator, hated by the bard who sings in royal or aristocratic halls, and who paints him a monster of ugliness most hateful to a race which adored beauty, as well as a paragon of moral vileness; exults in the chastisement inflicted on him, and makes the people sympathize with the chieftain who inflicts it, as he undoubtedly wishes the crowd in the agora would do. The passage is in spirit cognate to one in Theognis. It is not likely that the course of political events should have twice travelled the same round. The chiefs preside in the public assembly and lead, perhaps dictate, its councils; but there is a public assembly and the need of popular assent is felt. Public opinion is repeatedly personified by τις, as in the *Iliad* II. 271: "ὣδε δὲ τις εἴπεσκεν ἰδὼν ἐς πλησίον ἄλλον." Telemachus in the assembly of Ithaca summoned by him makes a direct appeal to the people. All this bespeaks a transition from monarchy and aristocracy to democracy, such as the Greek colonies in Asia Minor evidently underwent, and probably from their maritime and adventurous character, their novelty, and the volatile spirit which in Herodotus they exhibit, more rapidly than it was undergone by the communities of old Greece.

Oratory is greatly valued and has reached high perfection, which, without a popular audience, it could hardly have done. The description of Ulysses as an orator[2] indicates careful study of the art. Law is, like the Brehon law, traditional not statutory; justice is rudimentary, being administered by chiefs or elders who are jurymen as well as judges. But the Greeks never showed much apti-

[1] *Iliad*, VI. 169.
[2] *Iliad*, III. 216–224.

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tude for jurisprudence; nor did they ever arrive at the separation of the functions of the judge from those of the jury. The Areopagus and the Heliaea were jury-courts without a judge, the Heliaea on a democratic footing and scale.

That Homer had predecessors, that his art did not spring into existence out of a void, we might be sure without his telling us. However, he tells us so himself when he prays to the Muse, to impart to him *also* his share of her lore: "*τῶν ἁμόθεν γε, θεὰ, θύγατερ Διός, εἰπὲ καὶ ἡμῖν.*"[1] Both in the *Iliad* and in the *Odyssey*, but especially in the *Iliad*, he clearly assumes that the characters whom he is bringing on the scene are already known to his audience. Patroclus is introduced by him as "Menoetiades." He does not, before proceeding to sing the wrath of Achilles, tell you who Achilles was, who Agamemnon was, or what brought them together on the scene. The siege of Troy was evidently a theme as familiar to his audience as the siege of Jerusalem would be to the audience of Tasso.

Art in the Homeric poems is evidently ideal. The shield of Achilles utterly transcends anything of which relics have been left or that possibly could have been created in that, or indeed in any, day. But ideals are not found without some reality to suggest and support them. Aesthetic aspirations at all events were high. If with these advances toward intellectual civilization we are surprised at finding homicide prevalent and punished only as a private wrong by private vengeance, piracy and marauding licensed, a general reliance for security on the strong hand rather than on public law, no quarter given in battle, and such atrocities as the dragging of Hector behind the chariot of Achilles round the walls of Troy, the sacrifice of twelve Trojan captives at the funeral of Patroclus, or the hideous acts of vengeance committed by Ulysses in the *Odyssey*, we may bear in mind that in Italy contemporary with the divine artists, the famous writers, and the pioneers of science were the life of crime and violence depicted in the Memoirs of Benvenuto Cellini, the hunger tower, the torture-houses of the Visconti, the Borgias, and the Bravi. At Athens, in her most intellectual era, there is much savagery. The people vote the massacre of the whole of Mitylene; they actually massacre all the Mitylenians who had come into their own hands. They massacre the Melians for simply standing a siege. The factions at Corcyra behaved like Red Indians. Human sacrifice had ceased, but the existence of the word *φαρμακός*, a scape-goat, shows that it had not been unknown at Athens. The license of piracy when exercised against foreign ships was prolonged well into historic times.[2] Alexander, the much adored, not only

[1] *Odyssey*, I. 10.

[2] Herodotus, I. 166.

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emulated but greatly surpassed the atrocious treatment of Hector's body by Achilles, when he dragged the living Batis, with holes bored through his feet, behind a chariot driven by himself amidst the acclamations of his army.

The relation of the Greeks in the *Iliad* to the Trojans and their Asiatic allies is remarkable. The Asiatics are enemies, and they are inferior to the Greeks in military discipline; but they are not barbarous or objects of contempt; far from it. Priam, Hector, Aeneas are perfectly on a par with their Greek counterparts. The parting of a Trojan chief from his wife is the subject of the most beautiful picture in the *Iliad*. Troy is the peculiar object of regard to the Hellenic Zeus. Athene is worshipped in Troy. Language is no barrier between the Greek and the Trojan chiefs. Paris, the guilty author of the war, is a gay Lothario, rather contemptible but not hateful, on the contrary amusing and attractive in his way. The Greek Diomed and the Asiatic Glaucus are bound by an ancestral tie of friendship to each other. This would seem to accord pretty well with the relation of the Greeks to the Lydian dynasties as depicted by Herodotus. Two chiefs of the Trojan alliance, Aeneas, chief of the Dardanians and Sarpedon, chief of the Lycians, are sons of Hellenic deities; Aeneas of Aphrodite, Sarpedon of Zeus. In the Dardanian dynasty Homer evidently felt a local interest. From Strabo's account of the Lycian Confederation it would seem that the Lycians were Hellenized. This could hardly have taken place in a very prehistoric age.

It has been said that iron is scarce in Homer and that he therefore belongs to the copper age. Copper is the prevalent metal and the material of armor; but iron does not appear to be very scarce.[1] The proverbial phrase "iron heart"[2] seems also to show familiarity with iron. The axles of the chariots are of iron; the clash of battle is described as "σιδήρεος ὀρυμαγδὸς."[3] Little, therefore, can be based in this case on the metallic distinction of eras.

Homer tells you distinctly that his story belongs not to his own age but to an heroic age that is passed. The men of his own time are degenerate; they cannot wield such weapons as the heroes wielded or hurl such stones as the heroes hurled.[4] To what extent the reproduction of the past goes we can hardly divine. But the war of single combats is pretty clearly a part of it. In Virgil, through the descriptions of the camp of Aeneas, Roman castrametation is seen. In the *Iliad*, beside the chivalrous war of single

[1] *Iliad*, XXIII. 834.
[2] *Iliad*, XXIV. 205, 501 and elsewhere.
[3] *Iliad*, XVII. 424.
[4] *Iliad*, V. 304 and XIX. 389.

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combats, we see the republican phalanx marshalled and moving in serried order to battle, though when brought upon the field it seems for the most part to stand at gaze while the chieftains on both sides come forward, in the fashion of an age of chivalry, to encounter each other. Perhaps the Gargantuan feasts with their enormous masses of meat, strongly contrasted with "light Attic fare," belong also to the heroic past. The prediction that the descendants of Aeneas should reign in Dardania[1] is evidently history in the guise of prophecy and throws back the heroic founder of the line to an age far anterior to that of the poet.

Homer's ships are more intensely real than his horses. About the horses there is a good deal that is mythical. Some of them are of divine lineage. They talk and weep. Andromache gives Hector's horses wine as if it were a familiar practice. The ships on the other hand are intensely real. Homer evidently revels in everything nautical; in the details of ship-building, in the handling of the galley, in the even sweep of her oars, in her bounding over the dark blue wave which roars round her as she speeds upon her way.

"ἐν δ' ἄνεμος πρῆσεν μέσον ἱστίον, ἀμφὶ δὲ κῦμα
στείρῃ πορφύρεον μεγάλ' ἴαχε νηὸς ἰούσης·
ἡ δ' ἔθεεν κατὰ κῦμα διαπρήσσουσα κέλευθον." [2]

The broad-built merchantman (*φορτίδος εὐρείης*)[3] is distinguished from the swift galley showing an advanced state of naval construction. The descriptions of the sea and nautical similes are always full of intense life. This designates the writer as a native of one of the maritime colonies in Asia Minor.

It would seem that religious faith in Homer's time was in an advanced stage of decay, and was giving way to a light scepticism which permitted fun to be made of the deities. We are prepared for a good deal in the way of sincere anthropomorphism, as well as of moral obliquities in gods made by man after his own image. But can we suppose that an intellect of such depth as that of Homer is not making fun of the deities when he represents Zeus as gaily recounting to Here his wandering loves, and as challenging the whole pantheon to a "tug of war"; when he makes gods cuff each other or be wounded by men; when he tells us the story of Ares and Aphrodite committing *crim. con.* and being captured by the injured Hephaestus amid the general laughter of Olympus? Formal reverence is still paid to the gods, and they are acknowledged as up-

[1] *Iliad*, XX. 308.
[1] *Iliad*, I. 481–483.
[2] *Odyssey*, V. 250.

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holders of the right and avengers of wrong. The belief in omens still prevails, and is used for a poetic purpose; but Hector is made to say that he cares little for them and that the best of all omens is to be fighting for one's country. The freedom of personification which produces such beings as Ate, Eris, and Litai (prayers) also looks like a sign of a mind little trammelled by belief in the pantheon. Here again we surely find ourselves in contact with an age of thought far from primeval, as well as with the light and sceptical spirit of the Asiatic Greek.

The Catalogue of the Ships, as it is called, remains a puzzle on any hypothesis, and a puzzle on any hypothesis it is likely to remain. Of all passages in the *Iliad* it is the one most easily detached, and the one the authenticity of which is most questioned, though its character seems to me to be Homeric. The poet appeals to the muses for his knowledge of the facts, and the muses only could have imparted to him the mythical muster-roll of the mythical fleet of Agamemnon. Its ethnography extends to the Asiatics as well as to the Greeks. It describes the Peloponnesus as it was before the Dorian invasion, a group of old Greek principalities under a sort of suzerainty of the Lords of Mycenae, without Dorian ascendancy or he Dorian Sparta. Whether its ethnography is correct or is as loose as Homer's topography of the Troad, we have no means of ascertaining. He was not a cartographer, but a highly imaginative poet. A refugee from the Dorian invasion might naturally speak of the land of his origin as it was before the conquest. But on this point we are in the dark and in the dark we are likely to remain.

All dates before the first Olympiad (776 B. C.) are uncertain, among the rest that of the Dorian invasion of Peloponnesus, dislodged by which, and perhaps by other tribal disturbances, Greeks, carrying with them the civilization which has left its monuments at Mycenae, emigrated to the coast of Asia Minor and there founded little maritime commonwealths.

There can be no doubt that the author of the *Iliad* was a denizen of the north coast of Asia Minor. The north and west winds blow to him from Thrace.[1] He plainly claims a personal knowledge of the Troad:

ἔστι δέ τις προπάροιθε πόλιος αἰπεῖα κολώνη.[2]

The perpetuation of the dynasty of Aeneas seems also, as has been said, to be a local touch. In the *Odyssey*, speaking of Ithaca and the adjacent islands, Homer is evidently beyond the range of his geographical knowledge. His slighting mention of Miletus as in the

[1] *Iliad*, IX. 5. [2] *Iliad*, II. 811.

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hands of Carians, which, however, it had been before the Greek invasion of Asia Minor, seems to indicate that he belonged, not to the Ionian, but to the Aeolian, settlements, though he might be familiar with both, and by his intercourse with the Ionians afford them ground for claiming him as a denizen.

The siege of Troy would be a natural subject for a poet belonging to one of the maritime cities of Asia Minor whose land had been won in war from the Asiatics. Equally congenial to him would be a story of maritime adventure such as that which is told in the *Odyssey*. But whether Homer was an Aeolian or an Ionian, it would seem that the perfection of his art, the advance of national culture which the existence of such art implies, the refinement of his sentiment, the picture of civilization which he presents, and his treatment of the popular religion, point to a later date and one nearer to the Ionian lyricists and philosophers than Herodotus believed or is generally supposed. Settle the question as we will, however, the Homeric poems are miracles, and so is Greek art. Phidias is hardly less miraculous than Homer.

GOLDWIN SMITH.

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ANGLO-SAXON FEUDALISM

In no country of Europe did the feudal system exert, either on public or private law, a more profound or more permanent influence than in England. In regard to public law it is enough to refer to the fact that the controlling principle which created the English limited monarchy was found in feudal law, or to this that the organization of the English judicial system of the present day bears plainly the marks of its feudal origin. In the field of private law it is doubtful if there is any country, certainly not any entire country, where the principles of feudalism were so thoroughly and so logically applied to the land law as in England, and it is an interesting fact that in some of the United States after a lapse of six hundred years considerable trouble and expense may be occasioned by statutes framed in England at the end of the thirteenth century to protect the interest of the feudal lord, if the writer of a conveyance is careless in the form of words which he uses.

Since this is the case it is important to know—hardly any merely historical question is more important in fact—when and under what circumstances the feudal system entered English history. Was it an indigenous product? Was it introduced fully formed at a certain date from abroad? Are both these suppositions in part true? Was the feudal system in process of formation in England when that natural growth was cut off by the grafting upon it of a more complete system which had grown up elsewhere, a system that differed from the native English only in being more perfectly developed?

Professor Maitland's *Domesday Book and Beyond* seems to give an answer to these questions which strongly supports the theory that the feudal system was forming in England before the Norman Conquest, or one at least which tends to shake the faith of those who have held that feudalism was first introduced by the Conqueror. It would be improper to consider Mr. Maitland's book an argument for the existence of feudalism in Saxon England. It is rather a full statement of the facts as he finds them in the records with some explanatory comment and the raising of various questions suggested by them which are for the most part left without definite answer. The book is a fine example of undogmatic scientific work, much less dogmatic than most men would have made it. It does, how-

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ever, unquestionably create the impression that institutionally the Conquest made no really important change, that it introduced no important practical differences, but that at most it brought in institutions which were not different in kind but only some stages further along in a development which had been long under way in England itself.[1]

The argument for Anglo-Saxon feudalism which is presented in this limited way rests upon the existence before the Conquest of three groups of institutional facts: dependent tenures, private jurisdictions, and military service as an element in land tenure. The special question here is this: if we grant the existence of these facts in Saxon England have we admitted the existence there of the feudal system proper, as it existed in England at the end of the eleventh century, less fully developed in the earlier time perhaps, but institutionally the same system? Have we admitted that that development was going on there which, advancing more rapidly in the Frankish state, had produced completed feudalism two hundred years before the Conquest, and which if left to itself would have produced the same system in England? Have we admitted that the Conquest introduced nothing which was new in principle but merely principles more logically worked out?

The answer we give to this question will depend largely on the meaning we attach to the word "feudalism." This word is used at present as many words in its own medieval vocabulary were used, in a narrow and technical, and at the same time in a broader and more general sense. We sometimes mean by it the special system

[1] "And thus we see already a feudal ladder with no less than five rungs." *Domesday Book and Beyond*, p. 155.

"Feudalism was not perfected in a day. Still here [the five hide system] we have the root of the matter" P. 159.

"We are not doubting that the Conqueror defined the amount of military service that was to be due to him from each of his tenants in chief, nor are we suggesting that he paid respect to the rule about the five hides, but it seems questionable whether he introduced any very new principle. A new theoretic element may come to the front, a contractual element:—the tenant in chief must bring up his knights because that is the service that was stipulated for when he received his land. But we cannot say that even this theory was unfamiliar to the English." P. 160.

"Whether a man who will lose land for such a cause [failure of military service] shall be said to hold it by military service is little better than a question about the meaning of words. At best it is a question about legal logic." P. 295.

"Dependent tenure is here and, we may say, feudal tenure, and even tenure by knight's service, for though the English *cniht* of the tenth century differs much from the knight of the twelfth, still it is a change in military tactics rather than a change in legal ideas that is required to convert the one into the other." P. 309.

To the interesting and suggestive introduction to Essay II, pp. 220–226, no exception can be taken since it is made entirely clear that the subject is feudalism in the wide not in the institutional sense.

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of ideas and law relating to fiefs and to the services by which they were held which prevailed in the European world between the ninth and the fourteenth centuries. Sometimes we include in the term everything which seems characteristic of that society from top to bottom—the arithmetical sum total of its peculiarities, without distinction of origin or relationship. In this latter sense serfdom is as truly a part of feudalism as the system of fiefs; in this sense we find feudalism wherever some of these characteristics are to be found—in Japan, in some Mohammedan states, in various African communities of the present day,[1] without inquiring whether the institutions of feudalism in the narrower sense occur in these places or not.

But in the study of medieval institutions should we not raise the question whether sharper distinctions than this are not possible and necessary?[2] Must we not seek to determine more specifically the source of the determining features of the age and of its most important permanent influences in history? Is it not possible that the peculiar economic and political conditions which prevailed over Europe from the fourth century to the tenth produced a number of groups of peculiar institutional forms adapted to meet the more or less permanent needs of different sorts which arose from those conditions, and often in appearance closely related to one another; that some of these forms speedily perished; that others survived and passed on to later times; that among those surviving was one group of institutions which, by the importance of the relationships and of the classes which it primarily concerned, at once obtained a controling position in the age that followed its origin, drew under its influence and moulded into a great system the other institutions that had survived like itself, and stamped its impress upon all the features of an age which we call the age of feudalism because this dominating and controlling element was the feudal system proper, the system in which the fief was a fundamental element?[3]

[1] Japanese feudalism is often referred to. On Mohammedan see Von Tischendorf, *Das Lehnwesen in den Moslemischen Staaten*. Leipzig, 1872. On African see Herbert Spencer, *Descriptive Sociology*. Vol. on Africa, Tables XXI., XXVIII., and XXX.

[2] "Eben solche Institutionen aber, die weit über den ursprünglichen Boden der Entstehung hinaus ihre Wirkung erstrecken, verdienen vor allem in ihren oft dunklen Anfängen und auf den ersten Stufen der Entwickelung, so vollständig und so scharf wie möglich ist, ermittelt und festgestellt zu werden: es gilt zugleich das Charakteristische zu erfassen und der Mannigfaltigkeit der Thatsachen, die sich allmälich in bestimmtere Formen fügen, gerecht zu werden." Waitz, *Deutsche Verfassungsgeschichte*, Bd. IV. p. 361.

This paragraph follows immediately those quoted at the end of this article.

[3] Feudal comes of course from *feudum*, fief, and the fief was normally an estate held by this sort of tenure, and in strictness feudalism is the system of such estates and tenures only. That the word "fief" was in England applied to all freeholds ought not to confuse us as to its real meaning. It is quite possible that this was a usage transferred from

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That this was the fact is at least the underlying assumption of this article, and its special thesis is that those characteristics of feudalism in the wider sense, which Mr. Maitland has shown, more clearly than any one before him, to have existed in Saxon England, are not in the line of the ancestry of feudalism proper. They are to be classed among the other products of the pre-feudal age, the products which disappeared, or if they survived were brought under the influence of feudal ideas and into the system which these controlled. The manor for example appears to be a characteristic feudal institution because feudalism, coming into existence alongside the manorial system, though from a different and independent origin, and finding this method of exploiting a great estate perfectly adapted to certain fundamental needs of its own, seized on it and interpreted according to its own ideas forms and processes which had been originally in no proper sense feudal.[1] This must not be understood

Normandy where it also prevailed, and that it was a result of the logical completeness of feudalism in that country. There was a similar use of the term locally elsewhere for tenures not strictly feudal, as in Brittany and Toulouse. See Glasson, *Histoire du Droit et des Institutions de la France*, Tome IV. pp. 285–6. If we follow, however, the suggestion made in the chapter on Norman Law in Pollock and Maitland s *History of English Law*, that this was a "generalization" not yet consciously reached in Normandy, but arrived at in England as early as the Domesday Book, it must have been brought into consciousness there not by the actual facts of tenure, but by the treatment of the conquered lands, and the body of facts, the data of experience, to which reference was made for the explanation of this treatment, must have been in the main Norman and not English. The rapid feudalization of England by the act of the king would force the theory into attention, perhaps as accounting for the king's right, at any rate as explaining the process, but it is not a generalization in the sense that it is a legitimate inference from the facts as they ever existed anywhere. It is rather a generalization of the purely theoretical sort, one which states the ideal, and it is a more logical form of the notion which prevailed in parts of France and Germany that the great allods must be really fiefs, held according to one explanation of God and according to another of the sun. It is indeed the same idea as that expressed in the later French maxim, *Nulle terre sans seigneur*, and in both cases alike whatever conformity to this theory there ever was in the facts was due to the lawyers. It was the effort, more or less conscious, to realize this theory in the facts or to see it in previously existing arrangements, which extended feudal ideas, and especially the feudal vocabulary, into spheres not originally belonging to them, most of all into lower spheres.

[1] It seems necessary to take an appeal from Mr. Maitland's idea of what constituted a manor as stated in *Domesday Book and Beyond*, p. 120—"A manor is a house against which geld is charged," of which see Mr. Round's criticism in the *English Historical Review*, Vol. XV., p. 293—to his opinion as expressed in 1888, in *Select Pleas in Manorial Courts*, *Selden Society*, p. xl. In speaking of the manor of the thirteenth century he says: "What as yet gave it its unity was rather economic practice than legal doctrine. It was an estate which could be and was administered as a single economic and agrarian whole. When men spoke of a manor, they thought primarily of the single group of tenants who worked in common at their plowings and their reapings, of the single hall or manor house whose needs were supplied, whose larders and garners were filled, by the labors of this group. An estate too large or too scattered to be managed in this way would not, according to the common use of words, be a manor." And, we may add, no matter how small an estate was, if managed by itself and as an independent economic unit, it might be called a manor. No other statement than this of what a manor was in

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to mean that the term feudal is improperly applied to the wider range of institutions, if we understand clearly the use we make of it and are led to no confusion of mind thereby. But it does mean that those institutions do not properly belong to that special system which makes the middle ages distinctively feudal, as the great feudal age in the history of the world, to the system from which the most important legal and institutional consequences followed in England and elsewhere, but that they belong either to systems which were gradually supplanted by feudalism proper, or which were clearly distinguished from it in the days of its supremacy as different and subordinate systems.

1. In the matter of dependent tenure, the tendency is almost irresistible to regard all forms of dependent tenure as alike feudal. In the wide sense already explained it is proper enough to call them so, at least after feudalism is fully established. No fact is more characteristic of the age when feudalism was at its height than the great variety of these tenures. They are essential to our conception of the feudal society from its highest ranges to its lowest, and it is necessary to consider whether all these dependent tenures were in reality feudal in the institutional sense of the term; whether the development of dependent tenures of any kind means a growth towards feudalism. When we seek for light upon this question, two facts at once strike us as very suggestive.

First, that while great variety of tenure is just as characteristic of the earlier age out of which feudalism is seen slowly emerging, as of the feudal age proper, it is from one group of these earlier tenures only that this emergence takes place; only one particular kind of ante-feudal dependent tenures grows into the feudal proper.

Second, that in the feudal age itself while all tenures have certain important features in common, a clear distinction is drawn, clear to the men of that time at least, between certain which are feudal proper, and two other classes which are not.

It is not necessary to take space here to prove the first of these propositions. The proof has been repeatedly made, perhaps in its most complete form by Fustel de Coulanges, in his *Institutions Politiques de l'Ancienne France*, but though he carries the line of descent further back, his conclusions on this matter do not differ in

the feudal age, of the purpose for which it existed, of the test which distinguished it from the non-manor, will satisfactorily explain all the facts—such facts, for example, as the formation of one manor within another, of the union of two manors together, or the attachment to a manor of outlying bits of land not formerly belonging to it, all apparently at the sole will of the proprietor. It is the efficiency of administration, the economic convenience, or the economic relationship to a given person, which are the controlling considerations.

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any essential particular from those of Waitz, less plainly stated, or from those now universally accepted. The tenure called *precarium*, originating in Roman days, modified greatly in character in its extensive use by the church, widely extended in practice as a means of protection in the turbulent days of the founding and ordering of the Frankish state, became at last the direct ancestor of the feudal tenure proper[1] because it was resorted to by the Carolingian Mayors as the means of providing for the change in military tactics which was forced upon them by the attack of the Arabs in the eighth century.

But it is perhaps necessary to emphasize the fact that the feudal system was not created by any development whatever of this *precarium* tenure along the natural lines of its own development. To the end of time it would not have created feudalism if left to itself. It might have grown into something which could have been properly called a feudalism, as we speak of the feudalism of Japan, but it would have been institutionally, in form and consequences, quite different from the actual, historical feudalism of western Europe. It was because peculiar circumstances in the Frankish state made it essential to the safety of the state to combine with this institution another, of a personal and not of a property character, which had had a different origin and a different history, to combine these two quite different institutions together as the two sides of a single and really new institution, mainly political, not economic in character, that feudalism arose.

The second of these propositions, that a clear distinction was made in feudal times between certain tenures properly feudal and two other classes which were not so regarded, appears at first sight more difficult to maintain. Were not all forms of dependent tenure

[1] Fustel de Coulanges, *Les Origines du Système Féodal*, Chaps. I–VII; Waitz, *Deutsche Verfassungsgeschichte*, II. 1, pp. 290–305; Brunner, *Deutsche Rechtsgeschichte*, II. pp. 246–251; Dahn, *Könige der Germanen*, VIII. 2, p. 89. These are in practical agreement on all essential points.

On almost all the important problems of the origin of the feudal system which have been the subject of so much controversy in the past, a fairly uniform and definite body of opinion has now been formed as a result of the studies of the last twenty-five years. One who wishes to get a clear idea of what this is, confused as little as possible by the comparatively minor points still more or less in dispute, can do it best by putting together the accounts of the origin of feudalism given in those most useful manuals of legal and institutional history, Esmein's *Cours Élémentaire d'Histoire du Droit Français*, and Schroeder's *Lehrbuch der Deutschen Rechtsgeschichte*. Esmein's account of later feudal institutions is also to be highly recommended as the best brief description of feudalism which keeps clearly distinct the strictly feudal, and the non-feudal characteristics of the age. The purpose of the present article does not go beyond the comparison of Mr. Maitland's results with what may perhaps be called the orthodox doctrine of the origin of the feudal system.

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as they existed in the eleventh century considered alike feudal? They were so in the popular and wide sense of the word and in that only. Institutionally there were three well marked classes of tenures which the men of that time had no difficulty in distinguishing as classes: feudal, common freehold, and servile.

To the men who worked the feudal machinery the distinguishing mark of the feudal tenure was, that it was upon condition of honorable service. It was not necessary that the thing held should be land. It might be any object of real value or any to which a fictitious value could be given. It was not necessary that the service should be military, though this was so commonly a required service that it was usually taken as the typical one,[1] especially in the phrases knight's service or knight's fee. The one requirement was merely, as in the *patrocinium* contract, quoted below, that it should be service worthy of the free man, the vassal being distinctively *the* free man of feudal days. With this proviso it might be of any sort, and was of great variety, sometimes nominal only.

With this distinction a sharp line was drawn between the feudal tenures proper and the servile. In one respect indeed, no one thinks of confusing these, that is, in the personal position of the holders. But it is important for the present purpose, to notice that the difference in the tenures themselves, leaving the holders out of account, was not one of degree but one of kind, one created by difference of determining cause and purpose, and by difference of origin. In the servile tenures the controlling cause and purpose was purely economic. No other consideration entered into the case. In the feudal proper, the typically feudal, economic considerations were entirely disregarded and those that prevailed were political, drawn from the sphere of public relations. The three chief duties of the vassal, military service, court service, and allegiance, were distinctly public duties transformed into private obligations. As to origin, historically the servile tenures were in existence and presented most, at least, of their characteristic features when the feudal tenures had scarcely begun to form.[2] Legally the feudal tenures originated in a lease, a contract; the servile in the permitted or enforced occupation of a piece of land to be cultivated by the slave in lieu of the general servile labor which the master might demand. Equally significant is the fact that in many parts

[1] Debet sequi curiam de Broughtone ad rationabiles summonitiones, et facit aliud servitium militare. *Ramsey Cartulary*, I. p. 413.

[2] This has been shown with abundance of proof covering the whole manorial organization by Fustel de Coulanges in the volume of his *Institutions* entitled *L'Alleu et le Domaine Rural*. See the same conclusions briefly stated, Brunner, *Rechtsgechichte*, I. 212.

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of Europe the servile tenures existed with unchanged functions and results centuries after the feudal proper had entirely disappeared or had lost all their original meaning.[1]

Beyond any doubt the great class of dependent tenures which were servile in character must be regarded institutionally as non-feudal. It is impossible to reason from their growth, their forms, or their characteristic incidents to the feudal. They do not grow out of feudalism nor does feudalism grow out of them. The two systems affected one another, indeed, only as two great systems prevailing in the same society would be likely to do, only as feudalism affected the ecclesiastical organization. The whole manorial system would have prevailed without essential difference if the feudal had never arisen, and the feudal derived no necessary support from the manorial, no support which it could not equally well have derived from arrangements different in kind.

Between the feudal tenures proper and the servile, lay another class of tenures about which it is necessary to speak with more reserve. Certain facts about them are clear. They were described by one of the terms often used of the feudal tenures; they were freeholds. Their holders like the vassals proper were free men. A part of the services by which they held their lands were like a part of those by which the vassal held his, or better, perhaps, by which he might hold some portion of his land. These tenures shade off by imperceptible gradations into those above and below them, especially into the feudal proper, so that it is often difficult for us to distinguish between the two. Often we find that the records of jurisdictions which, in the wide sense at least, we may call feudal seem to draw no line between them, and gradually the state, developing new institutions which were anti-feudal in character and whose range of action was continually widened by the monarchy, tended to confuse the distinction from another side.[2]

[1] Says Esmein, p. 684, in beginning his description of the legal condition of lands in modern France: "Parmi les tenures féodales [in the wide sense], il en est qui se maintinrent à peu près telles que nous les avons décrites aux XIII^e^ et XIV^e^ siècles; ce sont les tenures roturières et serviles. Les premières avaient acquis alors la pleine patrimonialité, les secondes ne devaient jamais l'acquérir. Mais le fief subit de nombreuses et importantes modifications." See also Schroeder, *Lehrbuch*, pp. 779–787, and the references to the literature there given.

[2] It seems more than probable that the personal freedom of the holder, not the character of the holding, is what accounts originally for the features common to these tenures and the feudal proper. The man is personally free and a part of the same local political organization with the holder of the manor. His small farm has been drawn into the manorial organization by his economic dependence, or by his need of protection in turbulent times, or he has himself taken a holding formed in the manor, but in either case on a footing different from those who hold servile tenures in the manor. He thus stands from the start in a double relationship. The causes which have created his holding draw

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On the other hand it is equally evident that a distinction was clearly made and understood in feudal times between these two classes of tenures as classes. There might be question as to individual men or individual holdings in the border land between the two, but there was none as to the broad distinction. It might be that less emphasis was laid on this difference in England than on the continent, because it had much less practical importance there and because the growing institutions of the general government were more directly opposed to it, but it was not the less recognized. The test applied for practical purposes here was the same as in the first case, the character of the service rendered. The feudal was honorable service, knight service, military service. The villain's was servile service. That of the common freeholder was neither quite the one nor the other, but partook imperfectly and in part of both characters. It approached on one side the higher ranges of servile, on the other the lower ranges of honorable service, or more accurately in the latter case, certain public functions which the common freeholder was still called on to perform allied him personally with the feudal class, and led to some appearance of common characteristics of tenure, and in some cases actually to common characteristics. Legally the payment of scutage and the character of wardship were distinguishing marks.

Beyond any real doubt, the same differences of origin and purpose existed originally between these freehold tenures and the feudal

him into the manorial organization, and bring him into a relationship far closer to the class below him than to the class above. As an individual, however, in relation to public affairs, he is classed and acts, so far as he acts at all, with the higher class, though he stands certainly in the background, and is apparently always a second choice. As these public relations become feudalized, the judicial for example, he belongs on one side to the feudal system. As the feudal interpretation becomes the prevailing one, the temptation is especially strong to apply it to the customary freehold, which is certainly not servile and whose holder acts in many capacities with the knight. It becomes easy to attach feudal incidents like homage to such holdings. The confusion in this border land is greater in England than on the continent partly because the local political organization retains there through all the feudal age so much more importance, and partly because when the national judicial system arises, royal and anti-feudal, it finds no reason for recognizing a distinction between these classes which the local system had not recognized and every reason for not doing so. It is an important fact, however, that while the thirteenth century tends to carry over into the class of common freeholds some holdings that would earlier have been called feudal, it does not show the least tendency to obliterate the essential legal distinctions between the two classes of tenures. Littleton shows that this drift out of the strictly feudal class went afterwards somewhat further, but the distinction is still perfectly clear, and remains so as long as feudal tenures proper exist in England. It should be remembered of the thirteenth century in English history that the feudal system was then in rapid decline. The causes which had created it had ceased to exist; they had in fact never existed to any great extent in England. There were no longer any valid reasons back of its distinctions to maintain them. It is impossible to reason from anything which is coming into existence in the thirteenth century to feudalism proper, unless it be by way of contrast.

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proper, as between the servile and the latter, though, at least with reference to origin, the evidence for this is less clear. It is difficult to trace the origin of the common freehold tenures of the thirteenth century. They originated undoubtedly in different ways, and three ways are probable. 1. Original small free estates, held in full ownership, but attracted by need of personal and economic protection into the manorial organization. 2. Servile raised in process of time into free. 3. Small feudal tenures in a similar way depressed.[1] Theoretically a fourth might be added of portions of a manor held by free men on payment of a rent like modern tenant farmers, but this practice probably almost or quite disappeared as feudalism was forming,[2] to reappear as settled political conditions arose, certainly very early in England. It is probable that the first class represents the origin of most of these freeholds and that a quality of full ownership always attaches to them as distinguishing them from both the other classes of tenures, as seen for example in the matter of wardship in England, but this cannot be confidently asserted.

As to the controlling purpose of these tenures, however, there can be no doubt. They are economic, not political in prevailing and determining character. This seems to be fully the case so far as the land is concerned. Certain incidents of this tenure seem to approach the feudal because of the personal position of the holders, because certain public duties which once rested upon them as free citizens of the state, still rest upon them, no longer in the old way, but as survivals drawn under the prevailing feudal theory which tends to explain them as incidents of tenure. That is, the apparently feudal characteristics of these tenures did not originate as in the feudal proper as the result of an original contract, but as a feudal interpretation of pre-existing facts. This determining economic character cannot be better stated than in the words of Brunner, in which he formulates the difference between those tenures of Merovingian times, which developed into the feudal, and others similar in some points which did not. Calling attention in a note to the fact that he is not speaking here of lands paying a money rent held by serfs, because they did not rest upon a contract, he says:

"Die der fränkishen Zeit angehörigen Leiheverhältnisse haben sich allmählich in zwei Hauptformen geschieden, nämlich in die des Zinsgutes und in die des Lehens. Man darf jenes als ein Leiheverhältnis niederer, dieses als ein Leiheverhältnis höherer Ordnung bezeichnen.

[1] In Normandy custom finally fixed on the eighth as the smallest subdivision of a knight's fee which could be held by military tenure, smaller fractions being treated as *tenures roturières*. See Brussel, *Usage des Fiefs*, I. p. 174, n. *b*.

[2] See Fustel de Coulanges, *L'Alleu*, pp. 415–416.

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An Zwischenbildungen und Übergängen fehlt es nicht und die Grenze ist namentlich in den Anfängen der Entwicklung oft kaum zu bestimmen. Die Verleihung des Zinsgutes erfolgt unter wirtshaftlichen Gesichtspunkten. Der, Zinshof soll dem Herrenhof dienen, durch Fronden, Naturalabgaben oder Geldzinse des Besitzers die Wirtshaft des Herrenhofes ergänzen. Das Zinsgut stellt sich daher als eine Pertinenz des Herrenhofes dar. Die wirtshaftliche Abhängigkeit des Besitzers und die Art der Dienste, zu denen es verpflichtet, charakterisieren es als ein Leiheverhältnis niederer Ordnung, welches sich schliesslich derart ausgestaltet, dass es die öffentlich-rechtliche Stellung des Beliehenen beeinflusst und eine Schmälerung der vollen Freiheit nach sich zieht.

"Dagegen geschiet die Vergabung des Lehens nicht zu wirtshaftlichen, sondern zu öffentlich-rechtlichen Zwecken. Der Beliehene soll nicht dem Grundbesitz, sondern der Person seines Herren dienen, er soll ihm nicht wirtschaftliche sondern öffentlich-rechtliche, insbesondere militärische Dienste leisten. Die Leistungsfähigkeit des Beliehenen darf einerseits nicht durch die Bewirtschaftung des Leihegutes absorbiert werden, das Gut muss seine persönliche Arbeit entbehren können. Anderseits soll es ihm eine derartige ökonomische Stellung gewähren, dass es die lehnsmässigen Kriegsdienst davon zu leisten vermag. Demgemäss können nur wirtschaftlich selbständig und grössere Güter, solche auf welchen die bäuerliche Arbeit in der Hauptsache von Knechten oder Hintersassen besorgt wird, den Gegenstand des echten Lehens bilden, abhängige Höfe nur insofern, als dem Lehnmann ihre Rente zugewiesen wird. Eine wirtschaftliche Abhängigkeit von einem Herrenhof, eine Schmälerung der vollen Freiheit führt das Lehen nicht herbei; es ist darum ein Leiheverhältnis höherer Ordnung."[1]

This states the case exactly for these small freeholds of whatever origin, and for the Saxon as well as for the Frankish state. It is into the manorial not the feudal organization that they are forced by the exigencies of the time. Whether in any individual case the need of personal protection or the lack of economic independence brought about the change is not important. The essential fact is that it is the manorial system which incorporates and controls them. Their relation to public life and to the growth of institutions is determined by this relationship. They represent in other words, so far as our problem here is concerned, nothing different from the servile class. The changes which affect them in the formative age are not changes toward feudalism proper. The transformation of their tenures into dependent tenures brings them into the manorial not into the feudal system.

These two classes of dependent tenures are those which pass on most nearly unchanged from the Saxon into the Norman state. Besides these we have in the earler period a variety of other holdings, more or less dependent, not very clearly defined in their legal characteristics, but concerning larger estates and more important persons,

[1] Brunner, *Rechtsgeschichte*, I. 209.

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—the king, bishops, earls, and thegns,—in their relations with one another. Of these nearly all those which do not fall into the class to be noticed in the next paragraph seem to be cases of real dependent tenure, originating in the desire for the protection or in an attempt to purchase the influence and favor of some powerful person. It is among these forms that we find the nearest approach to those out of which feudalism grew. Parallels for them all are to be found in the variety of cases which lie around the line of descent of feudalism proper in the Frankish state, but this is all that can be said of them. They represent the operation of those political and economic causes which were the great motive forces in creating feudalism. Had these forces had in Saxon England the same formal elements to work upon which the Franks had inherited from Rome, the *precarium* and the *patrocinium*, we might possibly have had the same result there, instead of a few unimportant cases of verbal imitation. The fact should not be overlooked, however, that of all the provinces of the Roman Empire in which these elements existed, where the Germans settled, and where beginnings which seem to be the same were made, Gaul alone produced institutional feudalism. Britain produced, among all these forms, nothing really like it, not even the beginning of it.

One other form of tenure existed in Saxon times which needs to be noticed. That is the class of grants of limited ownership, of full ownership so far as the grantee is concerned, or even his heirs, but with no right or a very limited right, of conveyance to others; "he cannot go with the land where he pleases." These grants, common to various Teutonic peoples, whose existence was long maintained by Waitz but has been fully demonstrated by Brunner in one of his most masterly studies,[1] had much more frequent use and a longer life in the Saxon than in the Frankish state, but they were not in any respect the ancestors of feudal grants. The practice of making them made it natural and easy for the Franks to take up the Roman tenures from which the feudal did grow, as these had been developed by the church, and in many cases doubtless to bring grants of the old limited sort under the new principle, but they influenced the formation of the feudal system in no other way. Had the feudal tenures grown up in Saxon England as in the Frankish state their greater usefulness and adaptability to the purposes sought would have driven these more primitive and clumsy Teutonic forms out of common use long before the Conquest.

[1] *Die Landschenkungen der Merowinger und der Agilolfinger* in the *Sitzungsberichte der Berliner Akademie*, 1885, pp. 1173–1202. Reprinted with some additions in *Forschungen zur Geschichte des Deutschen und Französischen Rechtes*, 1894.

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II. The subject of jurisdiction is one of the most difficult connected with the feudal régime. The variety which everywhere reigns in feudalism is especially characteristic of this side of it and makes it by no means easy to distinguish the ideas which control it. The briefest attempt to give any discriminating account of what was included under feudal jurisdiction in the wide sense would far exceed the limits of any REVIEW article. Happily it is not necessary for our purpose to make the attempt. No one has ever suggested, so far as I am aware, that feudalism was created by the growth of private jurisdictions, nor is anyone ever likely to do so. Any possible development of these practices would leave so much that is essential to feudalism unexplained that the relation of cause and effect does not suggest itself. Private jurisdiction was, like the manorial organization, one of the side products of those conditions which, along another line, produced feudalism; a product which feudalism, once created, absorbed into itself and made its own as it did the manorial system. Still, some consideration of the subject is necessary here, because in the first place this feature is so truly characteristic of feudalism in the wide sense, and in the second, because it is this development which leads to the absorption by feudalism of one department of public law, and to the translation into private obligation of one line of public duty.

In the discussion it is necessary to distinguish clearly, for theoretical purposes at least, three distinct lines of jurisdiction which were probably in practice more mingled together in England than elsewhere in the feudal world, though this mingling existed to some extent everywhere, and was indeed inevitable. These are first, manorial jurisdiction proper; second, public jurisdiction in private hands; third, feudal jurisdiction proper.[1] However confused they might be in practice, these three are clearly distinct in theory and they were distinct in historical origin.

Jurisdiction over the unfree population on large estates which were managed as a whole—over their disputes and offenses among themselves, over questions which concerned the estate and its population alone—apparently began in Roman days;[2] it certainly began long before institutional feudalism arose. This was the beginning of manorial jurisdiction proper, and this remained its character when

[1] See the discussion of this subject in Flach, *Origines de L'Ancienne France*, Vol. I., Bk. II., especially Chaps. VIII. and IX. He emphasizes: La distinction entre la cour des pairs siégeant comme vassaux et la cour des pairs siégeant comme fidèles [subjects]—distinction qu'il ne faut jamais perdre de vue, sous peine de ne rien comprendre au fonctionnement de la justice pendant les X^e^ et XI^e^ siècles ni à son sort ultérieur.

[2] Flach, *Origines*, pp. 73–78; Beaudouin, *La Recommendation et la Justice Seigneuriale*, pp. 108–122; Fustel de Coulanges, *L'Alleu et le Domaine Rural*, pp. 450–452.

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considered by itself alone. It was a jurisdiction over manorial disputes and offenses only. It had, strictly speaking, nothing to do with feudalism, either in origin or in character.[1] That it attracted into itself, that is into the manorial proper, in the end many free tenants was due mainly and probably originally to their economic dependence on the manor; later it was also due in part to the transfer of public jurisdiction to private hands and in part to the influence of the feudal theory. It was this jurisdiction also, freed from the feudal proper, and except in very minor matters from the public, which in England survived the age of feudalism.[2]

Later we have the beginning of a new jurisdiction of a public character added to the manorial in a certain number of cases; the germ out of which would grow in the end a greatly enlarged private jurisdiction, covering questions and persons not belonging primarily to the manor, as well as in these matters the free population of the manor itself, by the formal putting of the lord in the place of the state for a given district, or possibly in some cases by the transfer to him of an entire local court. It is at this point in the development of these institutions that the immunity exercised such an important influence, and it is upon this process in Saxon England that Mr. Maitland has thrown so much new light, but he has not made it apparent that Saxon private jurisdiction had advanced beyond this point before the Conquest. This process, well under way in the age when feudalism came into existence, was greatly aided and enlarged by the breakdown of public authority under the later Carolingians. Grants of this sort were rapidly multiplied, almost as an open confession of the weakness of the government. Usurpation took the place of an actual grant in many cases. The count transformed his public office into a private possession, and the line of connection between the state as public authority and its officers was weakened or broken from many causes.

But it was during this age also that feudalism proper was fixing itself in the Frankish state and becoming the controlling element in what general organization survived. It was natural and inevitable

[1] La justice domaniale, qu'on appellera bientôt justice seigneuriale, est encore un peu vague et indécise au huitième siècle. Avec le temps, elle se précisera et prendra des règles fixées. Nous avons seulement constaté ses origines; elles sont dans la nature du droit de propriété et dans l'organisme constitutionnel du domaine; elles n'ont rien encore de féodal. Fustel de Coulanges, *L'Alleu*, p. 461. Seignobos, *Le Régime Féodal en Bourgogne*, pp. 236–243, is an argument to show that manorial jurisdiction is not of feudal origin, but is derived from the right of property.

[2] See the character of this jurisdiction in Maitland and Baildon, *The Court Baron*, *Selden Society*, Vol. IV. The manorial court records of Maryland, printed by J. Johnson in Vol. I. of the *Johns Hopkins University Studies in History*, give interesting examples of this jurisdiction as transferred to America in colonial times.

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that this system of private jurisdictions, though of independent origin, should be absorbed by it and worked over according to its own theories. The lord of the manor was by this time, not in every case, but generally, a link in the feudal chain, at least every feudal senior was lord of a manor. His view of his relations to those above him determined his interpretation of the relation to himself of those below. Tenure became the one explanation of everything which was capable of explanation by it. Jurisdiction followed from it. The duty to be subject to the lord's court and to assist in its operations resulted from it and private jurisdiction took on that feudal character proper which it had lacked in the great age of the immunities, and which it never possessed in Saxon England, that is it became one of the elements of a contract.

Compared with this feudalization of public justice, the third kind of jurisdiction, the feudal proper, was always, in England at least, insignificant. What this was may be stated in the words of Brussel: "C'étoit une maxime universellement pratiquée en France, que tout suzerain avoit cour plénière sur ses vassaux, au regard de leurs fiefs"; or of Hoüard: "On a prouvé, article Fief, que tout seigneur avoit cour plénière sur ses vassaux, en ce que touchoit les fonds qu'il leur avoit inféodés."[1] It was a jurisdiction over those holding fiefs only, in matters which concerned their fiefs only, or in offenses which concerned themselves only, mainly in this last case offenses which concerned lord and man. This is the jurisdiction which is meant by the judgment of peers in C. 39 of Magna Carta. In parts of Europe this jurisdiction on its civil side resulted in something important and permanent, but in England though there are evidences of its existence as a separate jurisdiction, and though the barons at one time seem disposed to insist upon it so far as the king's court is concerned, apparently as a means of checking royal encroachments upon their own jurisdictions, it never amounted to anything even in the age of the highest development of feudalism in the kingdom, the first three quarters of the twelfth century.[2]

[1] Brussel, *Nouvel Examen de l' Usage Général des Fiefs*, I. p. 260. Hoüard, *Dictionnaire de la Coutume de Normandie*, III. p. 394, Art. "*Pair*." There is a great literature of feudalism, both French and German, of the seventeenth and eighteenth centuries, especially of the latter, but it can be used for historical purposes, as evidence regarding the institutions or ideas of the great age of feudalism, only with the greatest caution. But the aim of Brussel was distinctly historical and he had the spirit of the true historian, though under unfavorable conditions. This can be said of Hoüard only in a less degree.

[2] The evidence shows, I think, that a court of this sort—of vassals acting as peers, and considering only feudal cases in the strict sense—met only on the special summons of the lord, which might be for his own purposes or on the demand of a vassal, and the vassal's case was liable to be tried by the lord's ordinary court unless he demanded trial

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This fact was characteristic also of Normandy, though to a rather less extent, and for the same reason, the great power of the sovereign and the great centralization of government as compared with the most of the feudal world. There are other reasons for this state of things in England which it is not necessary to go into here. By the end of the thirteenth century this jurisdiction had lost what little significance it had ever had. The attempt to save it, made in the interest of the overlords in the Magna Carta, was practically abandoned before the close of the reign of Henry III. A little later the Statute of *Quia emptores* made an end of any possibility of the growth of it, at a time when the *Quo warranto* proceedings were checking the enlargement and even curtailing the extent of the public jurisdiction in private hands. But at that date the feudal system had come to an end in England in every respect, except as the basis of a nobility and as mere land law, because of the general transformation of conditions.

The influence of this feudal jurisdiction proper upon the general institutions of England is to be found almost alone in the evolution of the modern judicial system out of the king's court, and in the working of the principle of trial by one's peers.[1] More important from our present point of view is the absorption of the independently originating private control of public jurisdiction into feudalism, and the working of it over in harmony with the prevailing idea of contract. The essential fact is, that it became a part of the service by which the vassal held his land to help to form the lord's court when called upon to do so, and that even the court duty of the common

by his peers. We may go so far, I think, as to say that no court meeting at fixed intervals was a strictly feudal court. It was a court of mixed jurisdiction though often deciding feudal questions. Most of the early law books of modern Europe—those written before the close of the thirteenth century—are books of the mixed law enforced in these courts, though feudal law proper fills the larger part of each book. If feudal law and criminal law be taken out hardly anything, indeed, is left. The Lombard feudal code, the *Libri Feudorum*, is a pure feudal code except for some provisions in the two *Landfriedens-Gesetze* which it incorporated. Glanvill's book is, from one point of view, the most interesting of all these early law books. Written at a date when, if it had been composed in any other country, it would have been chiefly feudal law, when feudalism in England had only just begun its final decline, and containing indirectly a great deal of feudal law, it is nevertheless written from a point of view not merely non-feudal but opposed to feudalism. Its most important contribution to general, as distinguished from legal history, is the evidence which it gives of the serious inroads upon the feudal system which a powerful executive had already been able to make.

[1] It is a rather interesting fact that, while in France and not in England there was active protest on the part of the barons against the presence in the king's court of a bureaucratic element in the trial of members of their order, it is in England and not in France that the barons secured a real right of trial by their peers. This right would have been lost in England as well but for the peculiar form of the development of Parliament in that country.

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freeman was in a vast proportion of cases transformed by this idea. But this was a result of completed feudalism, not a part of the process by which it was created.

III. In regard to military tenures, Mr. Maitland refers to three groups of facts which appear to him to indicate that the Conquest introduced no practical differences in this matter, or that at most it introduced only a theory more fully developed from similar facts.[1] These groups of facts are: 1. Those indicating that a definite burden of military service rested upon a definite portion of land. 2. Those showing that this service was often performed by one of a group of men, the others uniting to sustain him in the field. 3. Those which seem to show that the state often held the great lord, a former owner, responsible for this service, and that he in turn exacted it from the present holders to whom he had conveyed portions of his lands by some limited right of ownership. The man is responsible not to the king but to the lord.

I shall only refer here to Mr. Round's criticism of these views, especially of some points connected with the last. He appears to me to have shown clearly that these facts are capable of presentation under quite another aspect.[2] What is here proposed is to raise the question whether, accepting Mr. Maitland's account as it stands, we should still have feudalism or any real approach to it.

Mr. Maitland refers to the similarity between these arrangements and those which existed in the Frankish state, and the comparison is interesting and for our problem decisive. He says: "Already in the days of Charles the Great the duty of fighting the Emperor's battles was being bound up with the tenure of land by the operation of a rule very similar to that of which we have been speaking. The owner of three (at a later time of four) manses was to serve; men who held but a manse apiece were to group themselves together to supply soldiers. Then at a later time the feudal theory of free contract was brought in to explain an already existing state of things."[3]

The statement of this "rule" which is here made is accurate. Whatever may be one's opinion upon the disputed question, whether originally in the Frankish state the burden of military service rested upon the land or upon the individual, there is no dispute as to the existence of these arrangements under Charles, and they continued in use for some time. What was the reason for their existence? They were part of a conscious attempt made by the kings to save

[1] *Domesday Book and Beyond*, pp. 156–161.
[2] *English Historical Review*, Vol. XII., p. 492.
[3] *Domesday Book and Beyond*, p. 161.

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the old Frankish military system from the collapse which was threatening it from a variety of causes, one of which was the growth of feudalism. In the Saxon state they indicate undoubtedly the same condition, the difficulty of getting the old military service. They were not feudal in themselves. They were not in the line of the development of feudal military service. Quite the contrary. They represented an earlier, contrasted, to a certain extent even a rival form of military service which was being driven out of the field by feudalism, and which finally succumbed to it, never completely but as the main dependence of the state. The first and last sentences quoted above convey, I believe, an entirely wrong impression. No operation of this rule bound up the duty of fighting battles with the tenure of land. No theory of free contract was ever brought in to explain this state of things. Tenure by military service and the theory—the fact of free contract entered into possession of the field by an entirely different road; they were already entering into it at the moment of these regulations.

Mr. Maitland could have extended his comparison with Frankish institutions to the last of the three groups of facts—to the idea of the responsibility of the lord for the military service of the men of his lordship. What looks very much like it is to be found alongside the Frankish practices described above. The senior, with the sanction of the king, summoned his men to perform their military service and led them into the field as his own force, under his individual responsibility.[1] The army was composed partly of contingents representing the old general levy under the arrangements described in the last paragraph, led by the count, partly of contingents of men led by their lords.

The use which the state made of the growing feudal system in this way exerted a decisive influence upon it, not in creating it but in stimulating and perpetuating it. This was by no means the intention of the state. Its purpose in this case was the same as in the other arrangements, to obtain by means of a temporary expedient the military service which it must have and could no longer get in sufficient amount under the old system. The result was, however, to hasten materially the transformation of the citizen army into a feudal army, and to continue under a new form the sanction

[1] Les capitulaires imposèrent au senior, sous sa responsabilité personnelle, l'obligation de réunir et de conduire ses hommes à l'armée en cas de convocation." Esmein, *Cours Élémentaire*, p. 127.

"Die Senioren hafteten für die Strafe des Heerbannes, wenn ihre Leute sich dem Dienste entzogen. Für die Gruppen der ärmeren Heerpflichtigen übernahmen ihre Senioren die Beschaffung der Stellvertreter und erhoben dafür die von den Wehrpflichtigen zu zahlende Beisteur." Schroeder, *Lehrbuch*, p. 155.

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which the state had granted the feudal organization at its birth. It was not, however, the mere fact that the lord might be made responsible for the service of his dependents that brought about this result. It is conceivable that such a system of responsibility might exist of more than one kind and in a highly developed form, without involving any feudal arrangement. What made this expedient eventful in the history of feudalism was, that the state was making use of an already existing private obligation to take the place of a public duty which it was finding it extremely difficult to enforce in any other way. The essential fact is not that the state called upon the lord to assist in the enforcement of a public duty, and so created a new system for the performance of that duty which we call feudalism, but that it allowed and encouraged the substitution for this duty of a system of private obligations which had long before been created without the assistance and originally even without the sanction of the state, wholly in the field of private law, and which had long before this date taken on a prevailingly military character.

It should be remembered always that the element of military service was not essential to feudalism. It was one of a number of forms of service, made especially prominent by the conditions of the time, but no more indispensable than any of the others, no one of which was essential. The idea of honorable service was essential, but that was rarely embodied in a single form of service and when it was, it was not usually the military which was chosen. That is to say, when we have shown how the military element entered feudalism we have not explained the origin of the feudal system itself. Its own origin lies back of the military element in it. When we have discovered how it came to absorb into itself the public duty of military service, we have done no more than when we explain how it appropriated the judicial function of the state. There still remains the task of showing how the system itself arose.

In connection with the subject of military tenures Mr. Maitland admits, as fully as anywhere, the introduction at the Conquest of a contractual element which was lacking in Saxon days, but he is not disposed to see in this a matter of any importance. I shall not presume to dispute the opinion of so able a lawyer that as a matter of law the presence or absence of the contractual element is merely of theoretical and not of practical importance, that at most it is a question merely of legal logic, though I may be surprised that it should be so considered.[1] But in the field of institutional history

[1] See the quotations in note 1, p. 12. Statements of this kind are unexpected, at least, from one who is before all else a historian of law and institutions. The legal his-

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certainly the case is different. There the one vital fact is that at the beginning of English constitutional history the public law of the state was brought under the controlling influence of private contract, that public duties were, as I have already said, transformed into private obligations. It was upon this idea that feudalism took its stand for self-defence against the attack of a powerful monarchy begun, indirectly and in ways not easily felt to be dangerous, by Henry II., continued more openly, so that the drift of things was more plain but not in reality more dangerous, by John. Forced into new prominence in this way as the principle of resistance, the idea of contract became the leading element in a new growth, the growth of the constitution, as I endeavored to show, too briefly, in an earlier volume of this REVIEW.[1]

Nor is this idea of contract a late idea, brought in as a theory to explain already existing facts. It goes back as a characteristic and controlling fact to days even before the origin of feudalism in one at least of the earlier institutions out of which the feudal system grew, the *patrocinium;* and it is only less prominent in the other, the *precarium.* In the *patrocinium*, which is the source of the personal side of feudalism,[1] it was made especially emphatic. A char-

torian has often been accused of tracing too sharply the formal line of connection between an earlier institution and its later descendant, and of insisting too strongly upon it. The criticism has only so much truth, that sometimes an unusually clear vision of the importance of the formal line of descent has led to a neglect of the social and economic forces which continually modify forms and shape results. But in the historic, as in the geologic past, a later form is always the outgrowth of an earlier, and can no more be understood in the one case than in the other without a knowledge of its ancestor. It is impossible to emphasize this principle too strongly where what we are primarily interested in is the constitutional result of a group of legal forms. In this particular case it would be enough to say, could it be so said as to carry understanding with it, that the exact legal forms out of which formal feudalism grew, either upon the personal or upon the land side, have never yet been discovered in the Anglo-Saxon state. We may be sure, I think, after this study of Maitland's, that they never will be, at least as anything but very exceptional cases.

[1] Vol. V., pp. 643–658.

[2] Brunner is, I believe, the only scholar of authority who still derives vassalage directly from the comitatus. *Deutsche Rechtsgeschichte*, II., pp. 258–274. He holds this opinion, however, in quite a different form from the original comitatus theory. He rests it upon various points of similarity between the comitatus and the later vassalage, but some of these were features of the *patrocinium* as well as of the comitatus; some indicate the influence of the comitatus in modifying the *patrocinium* as it grew into vassalage proper, and some would probably be common to any personal relationship between lord and man. These considerations lose all force in face of the positive argument for the *patrocinium* origin as developed by Fustel de Coulanges, *Origines*, pp. 192–333; and Ehrenberg, *Commendation und Huldigung*, *passim*, especially pp. 131–141. See also the conclusive answer of Brunner's argument by Dahn, *Könige*, VIII. 2, pp. 151 ff, and compare Waitz, *Verfassungsgeschichte*, IV., pp. 249 ff. The commendation of the landless man—the *patrocinium* proper—as an element in the origin of feudalism, is not discussed by Maitland because Domesday Book is not concerned with cases of the kind,

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acteristic formula of commendation, which is one of those often quoted to illustrate its features, will make this evident:

Domino magnifico illo ego enim ille. Dum et omnibus habetur percognitum, qualiter ego minime habeo, unde me pascere vel vestire debeam, ideo petii pietati vestræ, et mihi decrevit voluntas, ut me in vestrum mundoburdum tradere vel commendare deberem; quod ita et feci; eo videlicet modo, ut me tam de victu quam et de vestimento, juxta quod vobis servire et promereri potuero, adjuvare velconsul are debeas, et dum ego in capud advixero, ingenuili ordine tibi servicium vel obsequium impendere debeam et de vestra potestate vel mundoburdo tempore vitæ meæ potestatem non habeam subtrahendi, nisi sub vestra potestate vel defensione diebus vitæ meæ debeam permanere. Unde convenit, ut, si unus ex nobis de has convenentiis se emutare voluerit, solidos tantos pari suo componat, et ipsa convenentia firma permaneat; unde convenit, ut duas epistolas uno tenore conscriptas ex hoc inter se facere vel adfirmare deberent; quod ita et fecerunt.[1]

That this is a legal contract is plain enough, both from the even exchange provided for and from the arrangement specified by which either party may terminate the agreement at will. If one party is clearly in a condition of economic inferiority which affects the practical character of the bargain which he can make, it is also clear that in legal status he is on an exact equality with the other party. This is proved, if it were not plain from the agreement itself, by the term *pari suo*, whether we understand this to mean the other party to a contract, which seems to be the only natural meaning in the majority of the formulæ, or "his peer" as M. Fustel takes it here,[2] referring to the fact that the document puts them on an equal footing and subjects both to the same penalty. This feature of the *patrocinium* never disappears from feudalism, nor even declines in importance so long as the system lasts. If later feudal lawyers might have hesitated to call the lord the peer of his vassal, lord and vassal always remained peers in questions of the feudal contract, which was equally enforceable by either party in the lord's court or in that of the lord's suzerain. The reluctant lord could even be forced by his vassal to accept homage and grant investiture, an extension of the idea foreign to the original system, and indeed the sign of an important change.

It is not necessary to add to this any description of this feature in the benefice, but if the original Roman *precarium* was not a con-

but the same thing is to be said of it as was said of the *precarium* above. No development of it by itself could have produced the institutional feudalism of the eleventh century.

[1] *Formulæ Turonenses*, No. 43, Zeumer, p. 158; Rozière, I., p. 69. On the character of commendation as a contract see Ehrenberg, *Commendation und Huldigung*, pp. 90 ff.

[2] *Origines*, p. 271.

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tract, and if the holder had no standing in the courts as against the grantor, this is one of the features which began to enter into it as it grew toward the benefice and the fief. As *precarium* grants for limited times with some pecuniary return became frequent, and especially when specifications began to be introduced that the holder could not be disseised because he failed to pay promptly on the fixed date, the arrangement assumed more the character of a contract. It became a quasi contract, as Fustel calls it,[1] and though the right of the doner to protect his holding was always imperfect during the formative period, the *precarium* was rapidly becoming a true contract when it was absorbed in feudalism through its combination with the personal relationship which had grown out of the original *patrocinium*.

It is this combination which forced the idea of contract, though it had been, to the extent stated, a feature of both the prior institutions, to the front as the controlling idea of the new result. The necessary reason for this union was the making of a contract, and in such a way as to secure its fulfilment. The prince who saw himself compelled in as short a time as possible to transform the originally unmounted Frankish army into a mounted force, must make sure that the land with which he provided the senior would be used to pay the expenses of putting his men on horseback, and to this end he began to require in frequent cases that the senior become his vassal with these obligations of service. This practice united the benefice and vassalage as the two sides of a new relationship, and by this feudalism proper was created. I cannot avoid the conclusion that the fundamental difficulty with those who see feudalism existing or forming in the Anglo-Saxon state is that they overlook the importance of this union in the creation of institutional feudalism proper. But the reason of the union was to create and enforce a contract, and this remained always the reason of this union which continued to be prominent and emphasized as long as feudalism had any existence at all.

This contract idea is, indeed, through all the varying forms and transformations of the feudal age the one thing which is permanent and distinctive, the one constantly controlling element. The effort to define clearly its nature, incidents and results, to protect the interests now of one party to it, now of the other, to hold these two conflicting interests each within its sphere and to mediate between them, gave us feudal law. The effort to embody this principle in visible forms and symbols, and to get the necessary business of the state performed through its agency and in harmony with it, created feudal institutions.

[1] *Origines*, p. 149.

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If this contract idea was not a test by which feudalism itself consciously distinguished between the feudal and the non-feudal, it was involved in the test and it constituted the real difference.[1] Where we find at any time what seems to be an analogous idea affecting the non-feudal tenures it is because the principles which prevailed so strongly in the higher sphere have influenced the interpretation of different arrangements in the lower, and worked them over by its own analogy. And, until we come to the time when we have actual bargains made between lord and commune, or between lord and rural community or group, the arrangements were really different. Nor did they ever develop as a whole into really contractual relations. Originally the serf in his permitted or compelled holding had no rights which he could protect, and if he acquired these in the end he did it by the way of prescription, by putting limitations on the lord's right of exaction, not by enforcing anything in the way of an original contract. And the case of the small, non-feudal freeholder was not different in principle. Probably his relation to the lord had in many cases originated in something much more like a contract than anything in the case of the serf—a contract affecting the land, however, not the personal relationship—but the economic influences which had caused the original action continued to be the prevailing influences and incorporated the free holding more and more closely, in the manorial organization.

It would be a mistake to assert that no other idea than that of contract is to be found at work in the public relations of the feudal age. Feudalism was a system of legal notions and practical usages of a peculiar sort, growing out of peculiar and temporary conditions partly economic and partly political, superimposed upon an older, very different and very firmly fixed governmental system. This system it nowhere destroyed. There was always, even where feudalism most completely triumphed, inconsistency and conflict from the existence in the presence of each other of these two radically different and inharmonious sets of ideas and institutions. There is no feudal state, for example, regarded as a feudal state, where the kingship is not illogical, a source of contradictions in institutions and law, and of irreconcilable practical difficulties in their operation. The feudal system logically demanded a supreme suzerain at the top of the hierarchy. But the king was not this alone as, looked at from the feudal side, he should have been, not even in such a state

[1] Whether we say that the essential and distinguishing feature of feudalism proper was the contract idea, or honorable service with what that implied, or the union of vassalage and the benefice, makes no great difference. The form of the expression will depend on which aspect of the single fact we are inclined to emphasize. In real meaning, in institutional significance, we have said the same thing in each case.

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as the kingdom of Jerusalem. Far the larger part of the conception of his office which always prevailed was derived from the older non-feudal system. His rights and prerogatives, his duties even, conceived of definitely enough as to existence and direction, but very vaguely as to application and limitations, constantly clashed with feudal rights.

It was from the conflict between these two systems that modern constitutions arose. Everywhere before the end of the middle ages feudalism as a system for the organization and government of society disappeared, largely because the conditions which had created it and from which it drew its strength had passed away. But everywhere it left its mark upon the institutions which took its place. England, of course, forms no exception to this rule. What is exceptional, however, is that in England this fundamental and all-controlling principle of feudalism, the idea of contract, that the services and obligations even of the highest suzerain and his vassals are mutual, alike binding upon both, passed over from the feudal system as it declined into the victorious monarchical system and became, enlarged in meaning and application to fit the new conditions, as fruitful and determining in institutions and law as it had been in the previous age. This is the fact which created the constitutional difference which existed in the fifteenth century between England and all other European states, and this is the fact which makes the question of the introduction of this idea into English history of great importance and the idea itself of profound institutional significance.

Neither this idea nor the institutions in which it was embodied are to be found in Anglo-Saxon England. We do find there a variety of pre-feudal institutions and practices, dependent tenures, private jurisdictions, and military arrangements, partly economic and partly political, but these, in all their essential features, making due allowance for local variation, were paralleled in the history of Frankish institutions. In the line of strict institutional descent, they had nothing to do with the origin of feudalism. They were, however, either produced or nourished by that condition of society which produced and nourished the institutional germs of feudalism. They were perhaps as characteristic products of that society as those others from which feudalism did spring. They made in some cases contributions to forming feudalism which modified it in more or less important ways, and so characteristic of this society and inseparable from it were some of them that they survived the completion of the feudal system and were adopted by it, becoming as characteristic features of the feudal society as they had been of the society out of which feudalism grew.

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I cannot close this article with any better statement of conclusions than is made in one of the closing paragraphs of Waitz's account of the earliest stages of feudalism in the fourth volume of his *Deutsche Verfassungsgeschichte*. He says (p. 360):

"Aenliche Bedingungen haben wohl damals und sonst bei anderen Völkern verwandte Erscheinungen hervorgerufen wie sie hier entgegentreten. Aenliche Culturverhältnisse erzeugen im Völkerleben überhaupt in einem gewissen Mass übereinstimmende Bildungen. Aber immer haben solche dann doch in jedem einzelnen Fall ihr eigenthümliches und unterscheidendes, und die tiefer eindringende Forschung hat ihr Augenmerk besonders eben hierauf zu richten. Hörigkeit und Schutzverhältnisse verschiedener Art, Verbindung von Angehörigen des Volks mit höher gestellten Männer oder den Herrschern eines Staats zu besonderem Dienst, Verleihung von Land, privatem oder öffentlichem, gegen verschiedenartige Verpflichtung, Uebertragung auch von Hoheitsrechten zu einem gewissen selbständigen Recht an Statthalter und andere einzelne Personen oder an Corporationen kommen in der Geschichte der Völker wiederholt vor. Aber die eigenthümliche Form der Vassallität und des Beneficialwesens, mit dem Einfluss den sie auf die ständischen und die allgemein staatlichen Verhältnisse erhielten, hat sich nur im Fränkischen Reich erzeugt, auch nicht bei den verwandten Germanischen Stammen in Brittannien und Skandinavien. Und erst von den verschiedenen Theilen des Frankenreichs aus hat später eine Uebertragung auf andere Landen Europas und eine Zeit lang selbst Asiens stattgefunden. Was sich dort entwickelte, ist deshalb nicht bloss für die aus dem Frankenreich hervorgegangenen Staaten, sondern im weiteren Umfang für die abendländischen Nationen überhaupt einflussreich geworden. Darin mehr noch als in dem was diese Verhältnisse in der Karolinischen Zeit selbst waren liegt ihre grosse geschichtliche Bedeutung."

Since these words were written, every new investigation, sifting the evidence more and more thoroughly, of which *Domesday Book and Beyond* is a fine instance, only serves to confirm their truth.

GEORGE BURTON ADAMS.

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THE JESUIT RELATIONS[1]

FROM the posting of Luther's theses to the battle of Lützen, the history of Europe is an intricate record of religious agitation. "A few centuries ago," says Lowell, "the chief end of man was to keep his soul alive, and then the little kernel of leaven that sets the gases at work was religious and produced the Reformation. . . . Now that the chief end of man seems to have become the keeping of the body alive, and as comfortably alive as possible, the leaven also has become wholly political and social." The comforts of the body and the lust of gold were certainly not disregarded in the sixteenth century, for the age of Luther was likewise the age of Francis I. and of Cortés. But it was a time when merchants talked theology at the dinner table, when freebooters said prayers and when even Benvenuto Cellini sometimes thought about his eternal welfare. Whether the rancor and the inhumanity which so abounded be ascribed to depth of conviction or to party hatred, they show how prominent the religious motive was.

When the era of the later Reformation is looked at from any other side than that of theological politics, the colonial movement comes rapidly into the foreground. And indeed we do not escape from the religious atmosphere of Europe when we follow the sails of the emigrants into distant roadsteads. In the case of the Huguenot and the Nonconformist colonies the home government acted like a step-mother, and small bands of enthusiasts endured exile for the sake of their sectarian views. As soon as they had landed on the new continent they blessed God for having brought them thus far and then set about the erection of what they considered to be a godly state. "Let them," they felt, "which have been redeemed of the Lord, show how He hath delivered them from the hand of

[1] Citations in the notes refer to Mr. Thwaite's edition of the *Jesuit Relations*, the completion of which has suggested the present article. Its full title is as follows: *The Jesuit Relations and Allied Documents. Travels and Explorations of the Jesuit Missionaries in New France.* 1610–1791. *The Original French, Latin, and Italian Texts, with English Translations and Notes; Illustrated by Portraits, Maps, and Facsimiles.* Edited by Reuben Gold Thwaites, Secretary of the State Historical Society of Wisconsin. (Cleveland: The Burrows Brothers Company. 1896–1901. Seventy-one Vols.)

Publication began in 1896 and all the documents to be printed have appeared, (Vols. I.–LXXI.). The set also includes two volumes of index, but as this article goes to press these are not yet published.

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the oppressor. Let them confess before the Lord His lovingkindness, and His wonderful works before the sons of men." [1]

These words which were suggested to Bradford by the landing of the Mayflower reveal the mood of the Calvinist refugee. Sixteen years later another type of religious colony was projected by Jérome le Royer de la Dauversière, a layman of Anjou, and Jean-Jacques Olier, a priest who afterwards founded the Company of Saint-Sulpice. The Société de Notre-Dame de Montréal did not spring from persecution but it was sealed with passion for the faith and it transferred to the forests of New France the spirit of the Catholic Revival. Bradford and his companions left England because they were molested by an intolerant king. The disciples of Olier came to Montreal "éloignant d'elles toute vue de lucre temporel et d'intérêt de commerce et ne se proposant d'autre fin que la gloire de Dieu et l'établissement de la religion dans la Nouvelle-France."[2] However separate their origins and however different their temper, both colonies carried beyond the Atlantic the dominant interest of Europe.

Amid the activities of religious warfare and of colonial expansion the Jesuits held a place to which they had been raised partly by the genius of Loyola and partly by the sufferings of Xavier, but which they kept by dint of determination. On the Catholic side their power was unrivalled and for firmness of resolve they were surpassed by none of their Calvinist foes, the burghers of Leyden and of La Rochelle, the Ironsides of Cromwell and the Scottish Covenanters. To the Papacy they became favorably known in the days of Paul III., though they did not reach their full eminence until after Laynez had played his brilliant part at the second session of Trent. They made themselves the dread of Protestantism by enforcing the Tridentine Decrees, by bringing back to Rome the reputation for scholarship which she had lost and by diverting the aim of princes from the pursuit of pleasure or of ambition to the cause of propaganda. Outside Europe their energy was no less marked and their success was almost equally great. Eight years after the vow of Montmartre, Xavier landed at Goa to begin the work which extended the influence of the Company to the Far East and opened up the long course of Jesuit missions. His deeds in Cochin, Madura and Travancore were known to the world before the militant tendencies of his European brethren were more than suspected, and when he died at San-Chan the noblest field of Jesuit effort had

[1] William Bradford, *History of the Plymouth Plantation.* Charles Deane, Ed. Boston, 1856, p. 77.

[2] These words are quoted from Faillon's *Histoire de la Colonie Française en Canada*, Vol. I., p. 380. They originally appeared in a memorial which was addressed by the Associates of Montreal to Pope Urban VIII.

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been disclosed. Charles Legobien exclaims at the beginning of the *Lettres Édifiantes:* "From the time of St. Ignatius and of St. Francis Xavier the zeal for foreign missions has been, as it were, the soul and spirit of our Institute."[1] The Apostle to the Indies remained the one type of missionary hero and the authors of the Jesuit Relations drew their daily inspiration from his example. "A thousand times," says one of them, "the thought of St. Francis Xavier passes through our minds and has great power over us."[2]

There are two further reasons why an allusion to Xavier should come before any account of the writings in which the Jesuits described the mission of New France. He was not only the leader of a fresh war against paganism and a martyr to the hardships of his task. Besides showing the way, he fixed a method of appealing to the heathen mind which was afterwards followed by the members of his society in four continents. The rise of the Jesuits to a controlling position throughout the Catholic parts of Europe is paralleled by the rapid spread of their outposts to the east and west. The second half of the sixteenth century saw them established wherever the Spanish and Portuguese zones of influence extended. The early years of the seventeenth century brought them a chance of joining the French colonies at Port Royal and Quebec. Thus if we look back to St. Francis Xavier we see that their missionary tradition had flourished for nearly two generations before Biard and Massé first saw the shores of Acadia. Their experience already embraced India, the Malay Archipelago, Japan and China, Mexico and Peru, Brazil and Paraguay. It was not so much through the personal favor of Henry IV. that they first entered New France. Their men were ready and their policy was formed. They were eagerly awaiting the moment of invitation. Though ignorant of native languages they were not novices but adepts when they began their life among the Micmacs and the Etchemins.

The other reason which exists for connecting St. Francis Xavier with the Canadian mission is more important still, since it affects the whole character of the Jesuit relations as literature and as material for history. In times past these narratives have been praised and disparaged, alike without a sense of their true character. But a few years ago Father Camille de Rochemonteix prefixed to his notable work *Les Jésuites et la Nouvelle-France au XVII^e Siècle,* a statement about the scope of the Relations which defines their limits with perfect clearness and candor. After what he has said re-

[1] *Lettres Édifiantes.* Paris, 1717. Prefatory Epistle, p. iii.

[2] *Divers Sentimens et Advis des Pères qui sont en la Nouvelle France. Jesuit Relations,* Vol. VIII., p. 187.

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garding their origin they should prove misleading to no historian who employs them.

Here again we must revert to the dawn of Jesuit history and to the Indies. From the outset of his career in the east, Xavier saw the value of letting Europe know how it fared with him and his followers. We need not ascribe to him a love of self-glorification. He felt that bulletins from the mission field would touch the sympathy of friends and refute the voice of slander. Thenceforth the Jesuits never ceased to emphasize all the events in their work among the heathen which could warm the imagination and kindle the faith of their hearers. They made "edification" a prime object and when the writer took up his pen he thought of creating a certain effect. Personal letters to the Provincial or to the General were one thing, annual letters which were meant for the private use of brethren elsewhere were another thing. The published reports belong to still a third class. Xavier himself outlined the principles which the Jesuit missionary should follow when he was preparing his statement of progress for general circulation. In an order addressed to Gaspard Barzée, who had received charge of the mission at Ormuz, he makes this rule: "You will send periodical letters to the College of Goa, wherein are set forth the various labors which you undertake to secure the increase of the divine glory, the methods which you follow, and the spiritual results with which God crowns your feeble efforts."[1] Beira, another Jesuit, is also instructed by Xavier to inform Loyola and Rodriguez of everything "which when known in Europe will lead the hearer to glorify God."[2]

Unfortunately for the interests of historical research the Company of Jesus has not thrown open its archives to public inspection. Were we able to compare the three kinds of documents which were sent home by the missionaries we should doubtless possess the means of revising our opinion about some details. Whether our knowledge of essential facts would be altered by the publication of the more private dispatches is a matter of conjecture. The letters which were sent to the Provincial or to the General contained, there is every reason to believe, comments upon the efficiency of individuals, and if heart burning ever arose among the missionaries it must have found relief in complaint to headquarters. Father de Rochemonteix says that while all the private correspondence has not been preserved, much of it still exists. And he enjoyed the

[1] Rochemonteix, *Les Jésuites et la Nouvelle-France au XVII^e Siècle*, Vol. I. Introduction, p. viii.

[2] Rochemonteix, Vol. I. Introduction, p. viii.

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great advantage of having access to it. He selects as examples certain delicate questions like the acts of the governors, the conflicts between governor, intendant and bishop, the strifes of the orders, the sale of brandy to the savages, and asks whether, apart from the honor of the church and the interests of the colony, it would have been fair or salutary to give the world food for scandal. "Les missionnaires ne se seraient-ils pas écartés de la route si sagement tracée par l'illustre apôtre des Indes?"[1]

We must thank Father de Rochemonteix for another statement which can hardly fail to affect our estimate of the Jesuit Relations. The annual letters were designed for members of the Society and a strict rule guarded them from publication or from any other means of disclosure to outsiders. Accordingly they are beyond the reach of modern readers except when a general remark about them is offered by the Jesuit historian. Father de Rochemonteix affirms that they are the natural complement to the Relations. They depict the dark side of the mission, the discouragements and failures, the mood which is created by reaction from an undue confidence. The recruit after his heart had been stirred by the Relations went to the scene of action and there discovered how many things had been omitted from the published report. His disappointment at once expressed itself in his letters and he could not help using the language of "disagreeable surprise." "The Relations," wrote Father Claude Boucher to Father Bagot in 1663, "say only good and the Letters only bad. . . . The Relations should not be read with the idea that they say everything, but merely what is edifying."[2]

Where Jesuits of the seventeenth century gathered wrong impressions it is not strange that more recent writers should have gone astray. No one can praise the Relations on the ground of their complete accuracy. A vein of panegyric runs through them and without accusing their authors of wilful dishonesty we are bound to observe their leaning towards a sanguine rather than towards a gloomy or an impersonal outlook. The note of optimism is sounded whenever there is a chance to speak of a generous donor, a well-disposed governor, a forward proselyte. The success of the mission is the first thought. Whatever assists the good cause is edifying and therefore to be set down. Whatever retards is kept out of sight. Things indifferent or of a remote bearing upon the principal subject may be mentioned if in the writer's opinion they possess a value of their own, but neither political nor commercial

[1] Rochemonteix, Vol. I. Introduction, p. xiv.
[2] Rochemonteix, Vol. I. Introduction, p. xvi.

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events are recorded with a systematic view to their importance. Father de Rochemonteix, who is clearly willing to allow the Relations their full weight, is at the same time impressed by a sense of their incompleteness. His plea is that despite their confessed limitations they bear all the marks of truth, because they were written in the presence of eye-witnesses by men like Biard, Charles Lalemant, Le Jeune, Vimont, Jérome Lalemant, Ragueneau, De Quen, Le Mercier, Dablon and Brébeuf.

The question of honesty might be discussed at great length and it deserves to be treated in a special monograph. We have seen that the Relations were composed with a set purpose and left much unsaid. Do their omissions ever constitute a real *suppressio veri?* Or, going farther still, do their statements often misrepresent the facts with which they deal? It is not enough to urge, as Father de Rochemonteix does, the high character of the authors. A long experience proves the willingness of the religious to cut sharp corners when the interests of their order or of their cause are at stake. Whether it be called self-deception or whether one harbors the design of conveying a wrong impression, the result is the same. We therefore limit the sphere of the Jesuit Relations to such information as will promote the glory of God and we then ask whether, even here, the naked truth is told.

Many of those who wrote the Cramoisy Relations were in the truest sense heroes and when we speak of probity we do not cast a slur upon their fame. But owing to the intensity of purpose, which the Jesuits felt, they could not without an effort be dispassionate where their cherished objects were at stake. They have awakened a more profound distrust than any community in the Roman Church. Among millions their name has become a synonym for insincerity and veiled untruth. Knowing how far the dislike of the Jesuits by their opponents may be traced to dread and jealousy, we shall hesitate to accept popular report about their methods. The historical critic must be on the watch against the Jesuits, against their enemies. and against his own prepossessions.

One of the attacks which has been made upon the Jesuit Relations is worth a reference because it was begun in the seventeenth century and has been renewed within recent memory by well-known historians of New France. The fathers, it is maintained, did not shrink from exaggerating the number of their converts until the bounds of all probability were passed. The Jansenists and the Recollets charged them with embellishing the list of their churches and with claiming the spiritual conquest of tribes which they had never reached. Arnauld's *Morale pratique des Jésuites* and Le Clercq's

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Établissement de la Foy are either satirical or sceptical, and when we reach M. Sulte's *Histoire des Canadiens-Français* we meet with very brisk raillery concerning the number of savages whom the Jesuits saw fit to term Christians. "We are told," observed M. Sulte, "that numerous conversions were made among the Hurons. One of my friends has calculated that the Jesuit Relations mention sixty thousand of these conversions. Now the Hurons at the period of their greatest power never exceeded ten thousand." [1] And he then quotes the Sulpitian, de Galinée "who states that in his time (1670) the Jesuits did not dare to say mass before their flocks because the latter only mocked at the ceremony." M. Lorin, the clever and learned author of *Le Comte de Frontenac*, also distrusts the reports which were spread abroad about the success of the Jesuit missions. He distinguishes between the settlement of natives under Christian auspices at centers near Quebec or Montreal and the missions of the remoter regions. Notre Dame de Quebec and La Prairie de la Madeleine really prospered, while away in the Huron and Iroquois cantons the value of the work consisted in promoting the zeal of the missionaries.[2]

The attitude of M. Lorin towards the Jesuit Relations is not, however, quite the same as that of M. Sulte, and a comparison of their views may help us to reach a decision regarding the worth of the intelligence upon this point. M. Sulte holds the fathers guilty of deception. At least the passage which we have quoted is unqualified by any explanation of the discrepancy between sixty thousand converts and ten thousand Hurons. M. Lorin without being convinced by the tales told of Jesuit ascendancy over the savage mind acquits the missionaries of malice and traces the exaggerated reports of their success to the unwisdom of their friends. After proving how slight an effect was produced upon the western Indians by the Sulpitians as well as by the Jesuits, he goes on to praise the Relations for their moderation. "Mais il faut ajouter que, si des amis trop zélés faisaient grand bruit, comme dit Arnauld, des prétendues églises de sauvages du Canada, ce ne sont pas les Relations qui leur en donnaient le droit: ces récits, pour qui les lit sans parti pris, n'ont en rien l'allure d'un chant de triomphe; ils sont simples, modestes comme les résultats obtenus." [3] In spite of the statistics compiled by M. Sulte's friend one fails to see that the Relations present either obstacles or results under false colors. Circumstances alter cases and when the Jesuits fixed their standards

[1] *Réponse aux Critiques*, p. 3. The date of this pamphlet is July 1, 1883.
[2] *Le Comte de Frontenac*, p. 60.
[3] *Le Comte de Frontenac*, p. 60.

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for the savage convert they placed the minimum low enough for the meanest intellect.[1] After a modern revivalist meeting the newspapers sometimes furnish us with a paragraph about the number of souls that have been saved. The computation is a liberal one based on the simple act of standing up or coming forward, which does not always mean an efficient change of heart. The Jesuit missionaries with their belief in the force of rites and sacraments counted their converts fast, especially when the state of politics encouraged the Indians to treat them with a moderate amount of civility. A list of the genuine and devoted Christians who were redeemed from paganism among the distant tribes would cut a poor figure beside the claims put forth in the Relations; but we may consider that when the Jesuits reckoned up their spiritual gains for the year they thought or hoped each sign of friendliness meant a change of heart. We know the final fate of the mission and baptismal details have lost much of their meaning. The writer's intent is the chief consideration. Was he concocting a fable or was he guided by an honest aim? At this point the Relations will stand careful scrutiny. Ministering though they do to the instinct of devotion and breathing out a kind of official cheerfulness, they do not shrink from confessing cases of positive failure or the evil conversation of the Indians who have been admitted to the Church. From their own pages one could prove that the Jesuits had extravagant hopes and a tendency to number on their side all those who were not against them, but the general straightforwardness of the narrative is established by passages wherein the crudeness of barbarian Christianity is virtually admitted.[2]

Having noticed the most famous example of perversion or of alleged perversion, which the Jesuit Relations afford, we may pass

[1] In Cotton Mather's *Life and Death of the Reverend Mr. John Eliot* (London: 1694) there is an interesting attack upon the methods of the Jesuit missionaries. Eliot, says his biographer, "was far from the opinion of those who have thought it not only warrantable, but also commendable to adopt some Heathenish usages into the Worship of God, for the more easie and speedy gaining of the Heathen to that Worship" (p. 132). A little later (pp. 134–138) Mather explains how by an odd accident "the Manuscripts of a Jesuit, whom the French employed as a missionary among the Western Indians" have fallen into his hands; "in which papers there are both a Catechism containing the Principles which those Heathens are to be instructed in, and cases of Conscience referring to their Conversations." One might suppose from the preamble that the catechism would contain full proof to Jesuit paganism. But the questions and answers simply reveal the old physical conception of heaven and hell, whereas the cases are not nearly so ridiculous as some which are given in the Lettres Provinciales. The authors of the Relations make no secret of the means which they took to attract the attention of the savages. Some of their devices were ingenious and none of them degraded Christianity to the level of fetish worship.

[2] See, especially, such of the Relations as treat of the Iroquois mission from 1669 to 1672.

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to the larger aspects of the series. Enemies still abound and notes of hostility can be detected as soon as one begins to read the body of existing criticism. The old taunt that the Jesuits made an attempt on the life of La Salle is not quite forgotten and they are held guilty of sacrificing the spiritual needs of the French settlers to their project of converting the natives. The spirit which prompts such attacks is evident in some of the comments upon the Relations, but no one has yet ventured to reject their testimony altogether. The Abbé Faillon wrote his *Histoire de la Colonie Française* for the sake of glorifying Montreal at the expense of Quebec and the Sulpitians at the expense of the Jesuits. Notwithstanding this animus he cannot refrain from citing the Relations on almost every page. They are, we should think, the largest source from which he draws and no one in his position could have used other materials. The letters of Mère Marie de l'Incarnation and Dollier de Casson's *Histoire de Montreal* are also high authorities for the origins of New France, but to write of the St. Lawrence Valley or the west without using the Jesuit Relations would be almost like writing the history of the Heptarchy without Bede. Their merits are decidedly more prominent than their incompleteness or their shortcomings.

The historians of French Canada point proudly to the religious character of the colony which was founded by Champlain. Garneau, it is true, and Sulte are not imbued with a love of ecclesiastical control but they cannot escape from its presence. At most they form a small minority when compared with those of their compatriots who deem the Old Régime to have been hallowed by the moral authority and the actual power of the church. Faillon, alluding to the treaty of St. Germain-en-Laye, says: "Dès la restitution du Canada à la France, les Cent-Associés, ayant en vue d'établir solidement la colonie française, avaient résolu, pour cela, de lui donner la religion pour fondement."[1] Ferland makes a wider observation still. "Ainsi, la religion a exercé une puissante et salutaire influence sur l'organisation de la colonie française au Canada; elle a reçu des éléments divers, sortis des différentes provinces de la France; elle les a fondus ensemble; elle en a formé un peuple uni et vigoureux, qui continuera de grandir aussi longtemps qu'il demeurera fidèle aux traditions paternelles.[2]

These are two voices in a large chorus and the condition of things which they applaud undoubtedly prevailed, if we except the traders and the *coureurs de bois* from the rule of the clergy. Herein

[1] *Histoire de la Colonie Française*, Vol. I. p. 268.
[2] *Cours d'Histoire du Canada*, Vol. I. Introduction, p. v.

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lies one virtue of the Jesuit Relations, that they correspond so well to the temper of colonial life. Before the coming of the Carignan Regiment the tone of Canadian society was ascetic. The discipline of Geneva under Calvin and Beza was not much more strict than the censorship which existed at Quebec under the Jesuits and at Montreal under the Sulpitians. A time came when *cabarets* were introduced, and in January, 1667, the officers encouraged gaiety by giving a ball. But every symptom of dissipation was checked wherever the church could carry out its aim of promoting piety and obedience. The first colonists were poor, hardworking and religious. It was impossible to be thought a good citizen without being devout and the language of devotion best conveys the reigning sentiment. The Protestant reader will find much of the Relations tedious or trifling because he is unable to draw edification from actions which the Romanist reveres. "A good old woman, who had found her Rosary that she had lost, said: 'Oh, how glad I am that I have found my Rosary! I lost it two days ago. During the whole of that time it seemed to me that I was sick at heart,—not only on account of my loss, but also because I no longer felt the cross striking against my heart as it used to do, when I carried my Rosary hung around my neck.' Such sentiments show that there is no longer any barbarism in these hearts, since love for the Cross dwells in them."[1]

This passage relates to a squaw and not to a Frenchwoman. Long chapters are filled with similar anecdotes about the holy words and deeds of the Christian savages. The piety of the colonists is less described for the mission is the absorbing subject, but the religious concord of the French is not forgotten. In 1640 the Relation announces a golden age which is marked by the reign of "peace, love and good understanding among our French people." "The principal inhabitants of this new world, desiring to preserve their innocency, have ranged themselves under the banner of the blessed Virgin, in whose honor they hear the Holy Mass every Saturday, often frequent the Sacraments of life, and lend ear to the discourses that are given them on the dignities of this Princess, and on the blessedness of the peace and union that bind them here below on earth, to render them one with God in Heaven." The caterpillars and grasshoppers of the previous season had been killed by processions and public prayers, while the birth of Louis XIV. was celebrated by a tragi-comedy which displayed "the soul of an unbeliever pursued by two demons who finally hurled it into a hell that vomited forth flames." One of the Algonquins present was so

[1] *Jesuit Relations*, Vol. XXV. p. 189.

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impressed by the sight "that he told us two days later that he had been greatly frightened that night by a very horrible dream." Best of all, the savages were deeply influenced by the "good example of the chief men of the colony. Monsieur our Governor sometimes approaches the holy table with them; he honors them by his presence, coming to visit them at St. Joseph. Having learned that these good Neophytes were to receive communion on the day of the feast of our Father and Patriarch, St. Ignace, he came to perform his devotions with them in our Chapel of St. Joseph. Madame de la Peltrie was there at the same time, to be godmother to some children that were to be baptized. Was it not beautiful to see these worthy and titled persons mingling with the Savages,—and all together approaching Jesus Christ? This simplicity creates for us a golden age."[1]

During the days of Richelieu and Mazarin, New France presented many features of a theocracy and the Jesuit relations form a record which mirrors the spirit of obedience to King and Church. Such is their principal outlook towards the Old World whence the ideals of loyalty and worship were drawn. But if they belong to Europe by origin they belong to America by every other tie. Their range extends from Acadia to Wisconsin, from Hudson's Bay to the Mississippi. Ferland contrasts the advance of the Jesuits into the heart of the continent with the tarrying of the English upon the coastline of the Atlantic. Bancroft, in a passage which has grown too hackneyed for further quotation, exaggerates their forwardness by giving them priority over the beaver trappers. It is our great good fortune that they not only explored but described. They have left us a minute portraiture of the Indians and have interwoven S. J. with the annals of geographical discovery in North America.

The state of nature seems the less attractive the more we know about it. Had Rousseau been familiar with the traits of the American Indians as they were observed by Le Jeune, Brébeuf or Le Mercier, he might have seen reason to modify his praises of the primitive condition. The Jesuit Relations contain a multitude of details which cannot be construed to mean anything but filth,[2] superstition and the most devilish cruelty. Perhaps we must allow something for a natural prejudice against the unredeemed. The beastliness of the pagan sets off the piety of the convert. Otherwise we

[1] *Jesuit Relations*, Vol. XVIII. pp. 83–89. See also Vol. VI. pp. 102–106.

[2] See Biard's *Missio Canadensis* (*Jesuit Relations*, Vol. II. p. 78): "Pedunculos capitis quaesitant et in deliciis habent." Charles Lalemant uses the same illustration (*Jesuit Relations*, Vol. IV.): "De netteté chez eux il ne s'en parle point, ils sont fort sales en leur manger et dans leurs cabanes, ont force vermine qu'ils mangent quand ils l'ont prise."

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can detect no bias in the mind of the fathers against the savages. They are indulgent towards the ignorance of the braves who scoff at them, and torture never extorts a revengeful word. To the Jesuit the aborigines were no more accountable for their actions than young children.[1] A display of resentment would have reduced the missionary to the level of his heathen charge. Accordingly he bore every blow without a murmur and kept himself from despising those whose salvation he was trying to secure. It follows that he did not write about the Indians with the object of doing their habits and reputations an injustice.

Broken illusions often have the same effect as malice in adding a sombre tone to the page of a traveller, but the Jesuits never felt that kind of admiration for the Indians which leads to a recoil. The squalor and degradation of the Micmacs were at once seized upon by Biard, and what Charles Lalemant thought of the Algonquins may be seen from the following words which occur in a letter to his brother Jérome: "If a Frenchman has offended them, they take revenge by killing the first one they meet, without any regard for favors which they may have received from the one whom they attack. . . . Their conversion will give us no little trouble. Their licentious and lazy lives, their rude and untutored minds, able to comprehend so little, the scarcity of words they have to explain our mysteries, never having had any form of divine worship, will tax our wits."[2] Neither Biard among the Micmacs nor Charles Lalemant at Quebec were well acquainted with the native dialects and it was not until the third attempt of the Jesuits that the missionaries gained the means of learning how the mind of the red man worked. The Relations of 1632–1649—that is, from the first report of Le Jeune to the death of Brébeuf—bear witness to several fine qualities;[3] the endurance of the warriors and their calmness under torture, the dignity of the speeches at councils of the tribe, and the generosity that wins a man honor. Wider knowledge, however, did not materially alter the verdict of Biard and Lalemant, though

[1] The Relation of 1647 contains a long biographical notice of Isaac Jogues in which his feeling towards his Iroquois captors is fully explained. "Jamais il n'eust au milieu de ses souffrances, n'y dans les plus grandes cruautez de ces perfides, aucune aversion contre eux, il les regardoit d'un oeil de compassion comme une mere regarde un sien enfant frappé d'une maladie phrenetique, d'autrefois il les contemploit comme des verges dont nostre Seigneur se servoit pour chastier ses crimes, et comme il avoit toûjours aymé ceux qui le corrigeoient, il adoroit la Justice de son Dieu, et honoroit les verges dont il le punissoit."

[2] *Jesuit Relations*, Vol. IV. p. 217.

[3] See, especially, the following passages in the Jesuit Relations: Vol. VI. p. 228; Vol. VIII. p. 126; Vol. X. p. 258; Vol. XVI. p. 200; Vol. XXV. p. 182; Vol. XXIX. p. 226.

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it supplied somewhat different grounds of condemnation. The Indian of the Jesuit Relations, despite his craft and courage, appears to be more like a wild animal than a human being. The Iroquois resemble the panther and the Attikamégues, the hare; but both are bound to barbarism by defects of nature and not by a love of noble simplicity.

From the Montagnais to the Natchez is a long flight and the Jesuits came in contact with many tribes. Of all the Indian races to whom they preached the Hurons and the Iroquois are the most prominent in the Relations besides being the greatest warriors of their respective regions. The Iroquois were the stronger and from their dealings with French, Dutch and English they reach a historical eminence which the Hurons do not share. In their country, too, the Jesuits had singular adventures and conducted their mission on a large scale. The double sacrifice of Jogues, the daring journey of Le Moyne and the escape from the Onondagas through the *festin à manger tout* were unsurpassed by any exploits of the Jesuits in North America. But still the classical period of the Relations comes between 1632 and 1649. The mission to the Hurons depicts every soul-stirring feature of Jesuit life among the Indians with the added attraction of novelty. The struggle with the language difficulty ending in success, the struggle with suspicion ending in partial success, the struggle with savage unbelief and malevolence ending at best in partial failure, the alternations of hope and despair; all these trials and excitements mount to a dreadful tragedy, the overthrow of a nation and the ruin of a church which the Jesuits had created amid blood and tears. The climax of pathos is reached when Christopher Regnaut (a *donné* of the mission) having described the martyrdom of Brébeuf and Gabriel Lalemant, ends by apologizing for the rudeness of his style. "Ce n'est pas un Docteur de Sorbonne qui a composé cecy vous le voyez bien; cest un reste d'Iroquois et une personne qui a vescu plus qu'il ne pensoit."[1]

The decay of the Indians through war, pestilence and hard drinking, can be plainly made out from the Relations, although it became more marked after 1673, when the Cramoisy series ended. The missionaries did their best to stop the brandy trade, which, long before Gladwin,[2] they saw was deadly to the natives. During the latter part of the seventeenth century Frontenac defended the traders on the plea that alliances would follow the drink wherever

[1] *Jesuit Relations*, Vol. XXXIV. p. 36.

[2] The Gladwin Manuscripts, edited by Charles Moore, in the *Michigan Pioneer and Historical Collections*, Vol. XXVII. p. 629.

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it was, and that while the English sold rum to the Indians the French must be permitted to sell them brandy. Among the tragedies with which the Relations abound many are sadder but none is so relentless as the decline of those for whose sake the Jesuits entered the wilderness.

The Indians have their admirers and not every one will accept a sweeping condemnation of them. We have no wish to forget the mention of their better qualities which occurs from time to time throughout the Relations. The differences between the tribes were very great and any single statement about the barbarians of New France must have the weakness of neglecting profound distinctions. Still one feels safe in saying that poetical visions of the red men are unlikely to be prompted by reading the reports of the Jesuit missionaries. A further argument, we admit, may be brought against the worth of the Relations. It may be claimed that the Jesuits who disliked nomadic life and coveted the salvation of souls, did not understand the ambition of the Indians or grasp the objects of their higher affection. A recent reviewer of *Parkman's Life* raises a similar complaint: "His sympathies were narrow; his hostile and censorious attitude towards the life of the democracy of his own day explains why he shows in his works so little appreciation of the subtler traits of the Indian character."[1] If Parkman's eyes were closed, those of the Jesuits were closed before him. We all know how he prized the Relations and how he took them as an authority for Indian morals and customs. The Algonquins, the Hurons and the Iroquois may have cherished finer sentiments than the missionaries were able to discover but idealism did not adorn the routine of everyday existence either in the village or on the march.

Closely connected with the Indians is the large subject of Jesuit exploration. The fathers travelled in search of human beings and not of gold mines. Their first interest, therefore, is the good or bad disposition of a new tribe towards the faith. Local usages are cited to illustrate the state of mind which prevails and no detail of belief is found too trivial for description. After the religious practices have been noticed, information of every kind is given. The Relations appealed to the generosity of Catholic Europe and gifts often flow from awakened curiosity. Moreover it was impossible to journey through such a wonderful country without wishing to send home accounts of its inhabitants, its animals, its fish and even its mosquitoes. Hence the industry of the beaver, the white pelican's manner of fishing and the various fashions of head-gear worn by

[1] *Review of Historical Publications relating to Canada for the Year 1900.* Edited by Professor George M. Wrong and H. H. Langton. P. 72.

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the natives are set forth with much liveliness. Had the Jesuits written for the purpose of creating a picturesque effect they might have told their acts of daring in a more vivid manner. The baldness of the Relations at moments when life and death issues are hanging in the balance, may detract from the excitement but it conveys an assurance of truth. "O, for a Jesuit Borrow on the shores of Georgian Bay or among the Mohawks," one might exclaim did he not remember that the manuscript would never have reached the office of Sebastien Cramoisy. As it is, a strong spice of adventure flavors almost every one of the narratives, defying the efforts of pious anecdote to mask it. Frequently strange or amusing incidents creep in. When Allouz and Dablon were preaching to the Indians of Green Bay the antics of their hearers nearly cost the missionaries their self-control. Two of the savages from a love of dignity sought to imitate sentries. They paced back and forth "with their muskets now on one shoulder and now on the other, striking the most astonishing attitudes, and making themselves the more ridiculous, the more they tried to comport themselves seriously. We had difficulty in refraining from laughter, although we were treating of only the most important matters—namely the mysteries of our religion, and what must be done in order not to burn forever in Hell."[1] The routes which the Jesuits took in going west, south and north are usually indicated by physical features, but at the present day the text is not always a sufficient guide. The topography of the Relations is obscure enough to arouse discussion and a time may come when it will provoke a battle royal of geographers, like the landfall of Columbus or the landfall of Cabot. In the meantime the courage of the Jesuit pioneer is gratefully remembered on all sides and the figure of Marquette which represents Wisconsin in the statuary hall of the Capitol need not seem an extravagant tribute to the memory of a Christian hero.

A complete review of the Relations would include some criticism of their style and an examination of the part which the Jesuits took in colonial politics. The fierce contests over tithes, over the excommunication of the brandy sellers and over the demand for permanent *curés*, besides affecting the mission more or less directly, help one to see the power of the Jesuits and the enthusiasm of the society for its work among the savages. These and kindred topics we must pass over in order to dwell before we close upon the noblest aspect of the series. We have called Marquette a hero and the Jesuit Relations are more than anything else a tale of heroism.

[1] *Jesuit Relations*, Vol. LV. p. 189.

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The Canadian French have worthies whose names may well awaken the fires of patriotism; founders like Champlain and Maisonneuve; fighters like Dollard and d'Iberville; women like Jeanne Mance and Madeleine de Verchères. But neither by Frenchman nor *habitant* can the fame of the Jesuit missionary be dimmed. Without avowing much admiration for Loyola's views considered in themselves and without confessing that the spiritual benefits which accrued to the Indians equalled the sacrifices so freely offered, we ascribe the highest merit of the Jesuit Relations to their story of hardship and death. Much has been said and written about the courage of the Jesuit martyrs. One seldom observes the least desire to belittle it.[1] The only reason why we should lay stress upon it here is that it adds to the Relations an element of inspiration. The stripes which the missionaries bore for the filthy, cruel and indifferent savage are almost past belief. They tramped with him among the cedar swamps, they were asphyxiated by the smoke of his wigwam, they starved with him and, what was still more trying, they ate his food.[2] "It is," says Stevenson, "but a pettifogging pickthank business to decompose actions into little personal motives and explain heroism away." Among the Jesuits of New France one may look in vain for little personal motives, and to decompose a religious ideal into the impulses which have so often been called fanaticism and superstition would be least pleasant of all. The tortures of Jogues and Brébeuf are known everywhere and form a fertile theme for perorations. More obscure but no less glorious were Buteux's march through the melting snows of the Laurentians with the docile but wretched Attikamégues; the life of Druillettes among the Abenakis which won him the honor of Winthrop, Bradford and Eliot at a time when the general court of Massachusetts was forbidding the presence of the Jesuits within its jurisdiction;[3] and Crépieul's sufferings among the Montagnais of the

[1] M. Sulte, however, thinks the Jesuit mission to have been useless and likens the courage of the fathers to the foolhardiness of the Light Brigade at Balaklava. Believing, as he does, that the Jesuit invasion of the Iroquois country was a means of provoking raids upon the colony, he can even say: "Contre chacun des martyrs jésuites nous pouvons opposer quarante martyrs canadiens-hommes, femmes et enfants assommés, écorchés brûlés, tourmentés d'une manière aussi horrible que l'ont été les pères Brébeuf et Lalemant; mais l'Histoire ne s'en occupe presque pas. La raison de cet injuste oubli est tout entière dans la persistance que mettent les jésuites à glorifier, depuis plus de deux siècles, leurs martyrs dont ils font journellement un objet de réclame pour leur cause." *Histoire des Canadiens français*, Tome III. p. 144. See also, M. Sulte's *Réponse aux Critiques*, p. 6.

[2] "Vasa coquinaria non extergunt. Quo sunt crasso pingui magis oblita, eo melius, illorum judicio, nitent." Jouvency's Canadicæ Missionis Relatio. *Jesuit Relations*, Vol. I. p. 284.

[3] At a meeting of the general court of Massachusetts held May 26, 1647, the following measure against the Jesuits was decreed: "This Court, taking into considera-

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Saguenay basin. Bravery is one great virtue, unselfishness is another. And when the two are joined in religious ministration to a species of mankind like the drunken Huron or the fiendish Iroquois, the record must be kept forever.

What we get from the Jesuit Relations depends in a more than ordinary degree upon what we bring to them. Often a book will test the reader's dullness or keenness of perception. But here the standard is not altogether that of literary talent or of historical insight. It is one of general outlook. The Relations are not merely narratives of individual experience and a magazine of antiquarian lore. They disclose with unusual clearness a certain form under which duty has presented itself to men, and there is no reason why they should not appeal to some hearts with all their original power.

> Hic breve vivitur, hic breve plangitur, hic breve fletur;
> Non breve vivere, non breve plangere retribuetur.

Almost every one who enters into the other worldly spirit will be apt to hold the Jesuit Relations at a higher price than could be set upon them by a disciple of Diderot or Huxley. We are speaking of the series broadly and not of every page. At intervals one meets with passages of undeniable dullness. The prattle of precocious converts and the petty details of the mission awaken less interest than the local allusions of an Elizabethan play. The style though clear and simple is seldom brilliant. Few of the fathers were endowed with great talents and fewer still had independent views. Yet all who revere heroism and who are touched by man's power to triumph over the weakness of his will must see in the Jesuit Relations something more than a treasury of historical facts.

At the Lenox Library visitors are allowed to examine a set of small but costly volumes. Size and price considered these outdo the *Climbers' Guides* of Conway and Coolidge which have been jokingly called "the dearest little books in the world." What was paid for them we need not inquire for that is the gossip of bibliography. They are the original Jesuit Relations, published by the Cramoisy press between 1632 and 1673. Fifty years ago when American history was less studied than it is now these little books were indispensable. Henceforth they will be rarely used. All they

tion the great wars and combustions which are this day in Europe, and that the same are observed to be cheifly raysed and fomented by the secrit practises of those of the Jesuiticall order, for the prevention of like euills amongst o^r selves, its ordred, by the authorities of this Court, that no Jesuit or ecclesiasticall pson ordayned by the authoritie of the pope shall henceforth come w^th in o^r jurisdiction." The first offense was punishable by banishment and the second by death, except in cases of shipwreck. *Records of the Governor and Company of the Massachusetts Bay*, Vol. III. p. 112.

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contain and much more has become public property since Mr. Thwaites issued the seventy-first volume of his new edition.

In the present article we have spoken of the Relations alone. There remain among the works which the missionaries wrote about New France the *Journal des Jésuites* and many fragmentary papers. By collecting these under the head of "Allied Documents" Mr. Thwaites has increased the bulk of his series and enlarged its range. The Relations stopped suddenly in 1673. They had proved so popular [1] and the mission field was at the time so wide that the cause of their suspension seemed mysterious. Different plots were suspected and guesswork flourished until Father de Rochemonteix in his introduction went over the whole ground and produced a final reason. On April 6, 1673, Pope Clement X. by the brief *Creditae* forbade the publication of all books and writings about foreign missions "sine licentia in scriptis Congregationis eorundem cardinalium." [2] As an indirect result the Relations of New France were no longer printed, although for several years manuscripts were prepared.[3]

The Jesuits remained in North America until their society was suppressed by the Parlement and by the Pope. Even after the events of 1761–1773 a few of the fathers lingered on at Quebec and Montreal. Looking back from the end of the eighteenth century the last survivors of the Mission could survey a period of one hundred and eighty years which had passed since Biard and Massé came to Port Royal. Less than a third of this time had been covered by the Relations, if we begin with Biard, and less than a fourth if we begin with Le Jeune. Mr. Thwaites's edition is conceived in a generous spirit. It embraces the entire term of Jesuit residence and it seeks to present all the original documents which are available for publication. We mean no disparagement when we say that most of the material and the best of it has been printed before. It was scattered, it was expensive and it was not in any sense ready for general use. Fresh records are always welcome, but before the discovery of new stores an editor of the old ones was needed.

The two hundred and thirty-eight pieces which Mr. Thwaites has collected from a vast body of information and, unless the Jes-

[1] The contemporary vogue of the Jesuit Relations, though not a subject of frequent allusion in the literature of the seventeenth century, was great. One may see from his autobiography how Chaumonot was stirred by reading Brébeuf's description of the Huron mission. Carayon's edition, 1869, p. 20.

[2] Rochemonteix. *Les Jésuites et la Nouvelle-France*, Vol. I. Introduction, p. xliv.

[3] Some of these were published in Douniol's *Relations Inédites*, Vols. III. and IV. of which were edited by Father Felix Martin, Paris, 1861. The title of his supplementary series is *Mission du Canada. Relations Inédites de la Nouvelle-France* (1672–1679) *pour faire suite aux anciennes Relations* (1615–1672).

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uits produce their reserves, the future does not promise us a large supplement to it. An inventory of the contents would fill several pages and the briefest analysis would carry us beyond the limits of our space. This much may be said, that the Relations are the chief element in the series. The *Journal des Jésuites* comes next and then follows a group of letters from the missionaries to their friends or to the officials of the society. While these constitute the bulk of the work the miscellaneous pieces are by no means few or trivial. More than one hundred of the documents have been printed directly from the manuscript or from an apograph and a good many have never before been published. Mr. Thwaites has not been hindered by lack of sympathy. As can be seen from his acknowledgments aid has been freely offered. His deepest debt is to the Canadian Jesuits and especially to Father Arthur Jones, the archivist of St. Mary's College at Montreal. In France he has drawn from the *Archives des Colonies, des Affaires Étrangères de l'École de Ste. Geneviève* and from the *Archives Nationales;* in Canada, outside of St. Mary's, from the manuscripts of Laval University, of the Legislative Assembly at Quebec, of the Ursulines, of the archbishopric of Quebec and from copies contained in the Dominion archives; in the United States from the originals and copies of the Congressional Library and from private collections. The important document CX. (*a Déclaration des Terres*) he found in the *Archives Nationales*. He did well by Wisconsin in laying hold of the "*Voyages du P. Jacques Marquette*," and the Reverend A. Carrère of Toulouse transcribed for him a letter of Jean Enjalran. A prefatory note describes the source, whether manuscript or printed, from which each piece is taken. At the end of Douniol's *Relations Inédites* one may draw a dividing line. For the period before 1680 Mr. Thwaites reprints, for the most part, works which are no longer new. After that date the authorities tend to become poorer but the proportion of rare and unpublished material increases.

We shall not dwell long upon the beauty of type and paper which recommends this edition to the amateur. Ten years ago nothing so good could have been expected and nothing better could now be asked for. Nor in looking at the printed page should we forget the editor. While the publishers have fulfilled the promises of their prospectus, Mr. Thwaites has watched the proof-reader and taken pains to secure a perfect text. Those who read the Relations now can do so with the feeling that old slips and blemishes have not been taken out for the sake of appearance. The translation can also be praised, though in straining after literal accuracy it has now and then dropped below the standard of smooth English. The

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chapter of errata at the close of Volume LXXI. includes a number of corrections to which we could add a short list were we convinced that the slips in question were serious blemishes.

Mr. Thwaites has earned the right to have his name linked permanently with the Jesuit Relations. He undertook a heavy task and its completion should bring him hearty thanks. Perhaps the difficulties can best be measured by the unwillingness of Canadian historians and of the Jesuits themselves to reprint the Relations in suitable form. The cloisters of Quebec and Montreal still nurture men whose acquaintance with the life of the Old Régime would have fitted them for editorial duties, and as for the French Jesuits Father de Rochemonteix has shown a mastery of all the literature affecting the Canadian mission. But either from lack of courage or the scepticism of publishers, Mr. Thwaites and the enterprising firm which supported him have been left to take the credit. The project was often discussed in Canada, its importance was everywhere admitted —and nothing resulted except the three fat volumes of 1858.

If criticism did not consist mainly of faultfinding, the reviewer's trade would be gone. In casting about for some ground of complaint against this excellent series, we think first of its bulk and then of the specialized knowledge which a commentary upon it demands. Its parts might almost have been edited, as the publications of the Hakluyt Society are edited, by separate individuals. Mr. Thwaites has a thorough grasp of colonial history and his notes prove it. From them we see what can be accomplished by the researches of one scholar, working single-handed at a great subject. He has, however, been at one disadvantage in writing about the affairs of French Canada from a distance, and at another in having to traverse so wide a territory. The most serious mistake which we have noticed is his acceptance of the theory that the Relations were brought to an end through the influence of Fontenac.[1] The comment inclines to err, where it errs at all, upon the side of neglected opportunity rather than of inaccurate statement. We suggest this cavil with a sense of reluctance and without allowing it much weight. It is the one adverse criticism which can be made and it is really a tribute to Mr. Thwaites's success. He alone has done nearly all that could have been accomplished by a staff of editors. His work besides being designed on a grand scale has been carefully wrought out. It is a fine achievement and it will always be held in honor.

CHARLES W. COLBY.

[1] *Jesuit Relations*, Vol. I. Introduction, p. 41. "The series was discontinued probably through the influence of Fontenac, to whom the Jesuits were distasteful."

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GROWTH OF REVOLUTIONARY PARTIES AND METHODS IN NEW YORK PROVINCE

1765–1774

It has been seen that the new methods in nomination in New York province found their origin in the growth of the democratic spirit during the middle and last half of the eighteenth century.[1] The tendency of the coming consciousness of equality was to cut into the old factions based on personal influence, and to reorganize parties on a basis of principle. The Revolution gave this movement a great impetus by hastening—to some extent by completing—this change, and by teaching a minority the necessity of organization and the uses of political machinery; the Revolution was the culmination in theory, and in fact to a considerable extent, at least in New York, of the effort of the masses to pull down authority from the top and place it upon the ground. In theory and in practice the masses, for the time being, got vital control of the business of governing. The lessons of the Revolution in this respect were incalculable, and no consideration of the nominating convention can be complete or intelligible without taking them into account. It will be necessary therefore to indicate the development of the Revolutionary parties in New York, to follow the changes from the old personal factions through the early inchoate divisions of the Stamp Act and Tea Act period, to the later well defined separation into radicals and conservatives. It is the design of this paper: (1) to trace the origin of these two factions up to the time when they began the contest for directing and shaping the Revolutionary movement in New York; (2) to indicate incidentally the development of the popular extra-legal organization through which this directing and shaping influence was later exercised, largely through the nomination of candidates to the most important Revolutionary offices within the gift of the people.

In reality the anti-British struggle of the early Revolutionary period was a continuation of the anti-British struggle which had been going on since the administration of Governor Cosby in 1732. Until that time the administration of colonial New York, from the

[1] See article entitled, "Nominations in Colonial New York," American Historical Review, January, 1901.

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point of view of British control, had been comparatively mild and indifferent. Party conflicts within the province had been largely personal. In so far as they were religious or political, they were an imitation, to a very considerable extent, of similar conflicts in the mother country. The bitter Leisler factions which disturbed New York for more than a quarter of a century were the outgrowth in the province of the English Revolution of 1688; and in this struggle political, religious and personal motives were inextricably mixed. Occasionally a governor like Bellomont made himself disliked, or one like Cornbury made himself despised. It is true also that even from the first there were two questions which served to divide the governor and council as the representatives of the British government, from the assembly as the representative of the colony; these were the question of enforcing the laws of trade and the question of controlling the colonial revenue. Bellomont indeed aroused disfavor by trying to enforce the former, while Cornbury and Hunter met a stubborn resistance in their efforts to reduce the power of the assembly over the appropriation of money and the control of the governor's salary. But the laws of trade were not an irritating question after Bellomont's time, and the matter of the revenue was compromised in 1715, during the administration of Governor Hunter. It was not, therefore, until the time of Cosby and Clarke and Clinton, that the anti-British party began to crystallize around the assembly, and the pro-British party around the governor. It was at this time that the growing democratic spirit, the coming consciousness of equality, a certain feeling of political self-sufficiency, resulted in a more jealous watchfulness of every claim put forth by the governor, and in an increasing tendency to look upon the governor as the agent of a power more or less foreign, if not actually hostile, to the colony's interests.

During the years from 1732 to 1760, the principal questions which were dividing parties into British and anti-British were the freedom of the press, the freedom of the judiciary from British control, the binding force of royal instructions and executive decrees, the frequency of elections, the appointment of colonial agents to England, and the control by the assembly of the revenue and, through the revenue, of the administration of the laws.

The question of the control of the revenue by the assembly had, as we have seen, come up before. All through the administration of Fletcher and during that of Cornbury and of Hunter, the assembly had carefully guarded what it considered its rights in this respect; it refused to grant revenue at the request or the demand of the governor; it refused to grant a life salary to the governor; it refused

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to allow the council to amend money bills; it insisted upon an elective treasurer. In this early struggle the assembly showed even the tendency, so manifest later, to interfere in the administration of the laws by specifying more or less minutely the purposes for which, and the methods and agents by which, the money was to be expended. But in the later period the quarrel was renewed and intensified; its full bitterness was not experienced until the period of the Indian wars of Governor Clinton's administration. During these years the policy of the assembly was clearly defined; it would not only control the levying of taxes, but it would also control appropriations and expenditures. By specifying minutely the methods and agents by which the money that it appropriated was to be expended, independent or discretionary power in the administration and execution of the laws was materially weakened if not destroyed. The persistent policy of limiting appropriations to one year made frequent sessions of the assembly a practical necessity,[1] while the struggle for frequent elections, which lasted some years, finally culminated in the Septennial Act of 1743.[2] The virtual helplessness of the governor led to a bill in Parliament proposing to give the force of law to royal instructions. It was to resist the passage of this bill that the assembly appointed two agents to England, and raised five hundred pounds for their expenses;[3] at a later time the assembly took the matter of the agency into its own hands through the appointment of an agent by resolution without consulting the governor, providing for his salary by a rider to the salary of the governor himself.[4] The freedom of the press was vindicated in the famous and somewhat dramatic trial of Zenger, the effect of which, in fostering the spirit of resistance to what was considered oppression, can hardly be overestimated.[5] Finally, the question of the freedom of the judiciary from British control, or more directly from the governor's control, was at issue in the Cosby-Van Dam controversy;[6] it was a matter which the people watched with jealous care, and every attempt of the governors to interfere in any way with the judicial arrangements was resisted stubbornly.

[1] See the address of the assembly, September, 1737, wherein the assembly frankly assured the governor that no appropriations would be made for a longer period than one year. *Assembly Journal*, p. 706.

[2] *New York Colonial Documents*, VI. 136; Schoonmacher, *History of Kingston*, 118. The first act, passed December 16, 1737, provided for triennial assemblies with yearly sessions. *Laws of New York*, Chapter 650. Disallowed by the King November 30, 1738. *New York Colonial Documents*, VI. 136.

[3] *Laws of New York*, Chapter 788.

[4] See Tanner, "Colonial Agencies in England," *Political Science Quarterly*, XVI. 43.

[5] Pasco, *Old New York*, II. 52; *Memorial History of New York*, II. 237; Lamb, *History of New York*, I. 557; Thomas, *History of Printing*, II. 100.

[6] *Memorial History of New York*, II. 583.

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Such were the questions which were forming the British and anti-British parties. At first these questions were viewed very largely from the old standpoint of personality. With the governor stood De Lancey and the powerful following which he controlled; with the assembly went the party of Livingston, supported by the able lawyers William Smith and John Morin Scott, and by very nearly if not quite all the rising young men of the day.[1] Increasingly this latter party shaped and guided the growing interest of the people in political questions. To counteract the mild influence of the court paper, Bradford's Gazette, Zenger's Journal was established; it became the mouthpiece of the anti-court party, and gave utterance to those views, wise or unwise, which it was thought would serve to win for that party the popular support. And not indeed without avail; the popular party gained steadily as it backed up the assembly in its resistance to the governor.[2] More or less steadily the purely personal element died out. Before 1750 De Lancey himself was at odds with the governor.[3] The old court party became demoralized. In 1750 the so-called Whig club was formed, and for many years the popular party was distinctly in the lead. When the Stamp Act

[1] Van Dam was supported in the trial with Cosby by William Smith and James Alexander. Of the three judges, De Lancey and Philipse were for Cosby, but the chief justice, Lewis Morris, was for Van Dam. Morris very soon after lost his judgeship which went to De Lancey, but he then stood for Westchester county for the assembly, and won in a contest which excited more popular interest than perhaps any election ever held in New York province. From this time, and more especially after the Zenger trial, the De Lancey faction became more avowedly the court party, while its enemies espoused upon every occasion the popular side. *Memorial History of New York*, II. 217, 233, 583; Bolton, *History of Westchester County*, I. 136; Valentine, *History of New York*, p. 264; *New York Journal*, November 5, 1733.

[2] *Memorial History of New York*, II. 248, 249, 262; Broadside dated August 25, 1750, in the New York Historical Society Library, Vol. I. of the collection; *New York Colonial Documents*, VI. 247, 417, 578; Onderdonk, *Queens County in Olden Times*, pp. 21, 31, 33; Smith, *History of New York*, II. 37; Stone, *Life of William Johnson*, I. 39, 157; Valentine, *Manual of the Corporation*, 1865, p. 779; 1866, p. 703; *New York Weekly Post Boy*, June 24, 1745.

[3] *Memorial History of New York*, II. 261, 296. "Nothing could have been so unhappy," writes Clinton to the Duke of New Castle, Feb. 13, 1748, "for this province and myself, as the unexpected promotion [of De Lancey to the Lt.-Governorship] which became known when the elections were coming on for a new Assembly. Wherein I had carried the choice of several members for the counties that were well attached to his Majesty's interest . . . and should have succeeded with several others, but that messengers were immediately dispatched throughout the province with the news of Mr. De Lancey's being made Lt.-Governor, which damped the inclinations of all my friends, as dreading the exhorbitant power and resentment of this man." *New York Colonial Documents*, VI. 417. Again in 1750, Clinton laments that nothing has been done that he desired, for the encouragement of those that remained faithful. Otherwise, "I make no doubt but that every man of the Faction would have been left out of this election . . . and this notwithstanding that I am informed that Chief Justice De Lancey is gone into the country, since the writs issued, personally to influence the people in their election." *Ibid.*, 578.

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was passed the popular party controlled the assembly and the province; the letters of Lt. Governor Colden reveal his helplessness.[1]

The Stamp Act raised the first of a series of questions which were to complete the formation of the Revolutionary parties in New York province and state. The popular party of Livingston was then in control of the assembly. Of the four well marked classes into which New York society was divided, three of them—the land owners, the professional classes and the merchants—were closely united in interests through business and family relationships.[2] Opposition to the governor and council as the agent of the British government had come to be recognized as the cue in all political questions. When the Stamp Act came, the opposition which had been directed against the agents of the home government, was transferred to the home government itself. The conflict was felt to be more or less a continuation of the old one which had engaged the colony for so many years; it was merely a new act of oppression against which was directed the whole force of the popular party, which meant at first nearly the whole force of the colony.

The lead in the opposition was at first taken by the assembly. As early as October 18, 1764, the assembly had ordered that the committee which had been appointed to correspond with the assembly's agent in England, should also be a committee to correspond with other assemblies with reference to the late acts of Parliament on the "trade of the northern colonies."[3] The next year when the

[1] See *Colden's Letter Book*, I. 187, 231, 362, 422, 468; II. 68, 86. (New York Historical Society Collections, Vols. IX. and X.)

[2] The following division into classes is taken from Lieutenant-Governor Colden's report on the state of the province in 1765. "The people of New York are properly distinguished into different ranks. (1) The proprietors of the large tracts of land who include within their claims from 100,000 acres to above one million of acres under one grant. Some of these remain in one single family. Others are by devises and purchases claimed in common by considerable numbers of persons. (2) The gentlemen of the law make the second class in which are properly included both bench and bar. Both of them act on the same principles, and are of the most distinguished rank in the policy of the province. (3) The merchants make the third class. Many of them have rose suddenly from the lowest rank . . . to considerable fortunes, and chiefly in illicit trade in the last war. They abhor every limitation of trade . . . and therefore gladly go into every measure whereby they hope to have trade free. (4) In the last rank may be placed the farmers and mechanics. Though the farmers hold their land in fee simple, they are, as to condition of life, in no way superior to the common farmers in England. This last rank includes the bulk of the people and in them consists the strength of the province . . . The gentlemen of the law are either owners, heirs, or strongly connected in interest with the proprietors." *Letter Book*, II. 68–70. Likewise the merchants were for the most part, "strongly connected with the owners of these great tracts by family interest." Colden to the Lords of Trade, September 20, 1764. *Ibid.*, I. 363.

[3] *Assembly Journal*, II. 780. In his *History of Westchester County During the American Revolution*, Mr. Dawson points to this committee, with a certain note of triumph illustrative of a curious provincialism, as the first of the Revolutionary committee.

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Stamp Act raised an opposition which carried away nearly all classes alike, the movement in New York was still directed by the assembly. It approved the plan of a congress of delegates to consider the matter and decide upon measures of resistance, which had been suggested by the assembly of Massachusetts, and it provided for the appointment of delegates to represent New York by referring the whole matter to the committee of correspondence that had already been named.[1] Thus until October 28, the day on which the congress adjourned, the opposition to the Stamp Act was distinctly in the hands of the leading men of the colony outside of the small remnant of the governor's party. As a movement it represented the property, professional and commercial interests of the province. But from this date the resistance takes on a more radical character; especially in the city of New York where the Revolutionary movement centered from first to last, it was more and more dominated by the lowest of the four classes—the unfranchised mechanics and artisans, the "inhabitants." As a result we find the propertied and commercial classes began soon to draw back and assume a more conservative attitude. The organization which represented the unfranchised class, and assumed the leadership in this more radical phase of the movement, was the so-called "Sons of Liberty."

The origin of the Sons of Liberty is somewhat in doubt. According to Governor Colden, whose statement has been followed by Dawson, the society was the outgrowth of an organization of the lawyers in 1750, whose object from the very first was political and revolutionary.[2] This is, however, probably far fetched. The papers

of correspondence. "Six years before Massachusetts appointed her faint hearted committee, whose fear of Great Britain prevented the preparation of even a single letter, and nearly nine years before that celebrated meeting at the Raleigh Tavern, Richmond, where Virginia gave birth to her first born, the Assembly of New York originated the movement and appointed a committee of correspondence with Robert R. Livingston at its head." p. 63. See also, p. 61 n. If it is a question of origin in mere form, one may equally well go back to the committee of safety of the Leisler régime, or to the committees of safety of the English civil war. See Leisler Narrative, *New York Colonial Documents*, III. 670.

[1] *Colden's Letter Book*, II. 35.

[2] "After Mr. Delancey had, by cajoling Mr. Clinton, received the commission of Chief Justice during good behavior, the profession of the law entered into an association, the effect of which your lordship had formerly opportunity of observing in some striking instances. They purposed nothing less to themselves than to obtain the direction of all the measures of the government, by making themselves absolutely necessary to every governor, in assisting him when he complied with their measures and by distressing him when he did otherwise." Colden to the Earl of Halifax, February 22, 1765. *Colden's Letter Book*, I. 469. Quoted in Dawson, *The Sons of Liberty in New York*, p. 40 n. "As early as the year 1754 there were men in America, I may say in the towns of Boston, New York, Philadelphia, and Williamsburg, who held independence in prospect." Examination of James Galloway, *New York Journal*, October 25, 1779. "The gentlemen of the law some years since entered into an association with intention, among other

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of John Lamb, one of the moving spirits of the society of the Sons of Liberty, indicate little if any connection between the two organizations; from these papers it appears that the Sons of Liberty were formally organized shortly after the passage of the Stamp Act, as a secret society which did not assume an open and public character until some years later.[1] Neither is it strictly true, as Dawson maintains, that they directed the whole struggle. Livingston, Smith, and John Morin Scott, who were prominent in the early part of the Stamp Act trouble, do not appear to have been connected with the Sons of Liberty, in any active capacity even at the first, and certainly at a later time the leaders in the society were the more radical spirits, like Lamb, Sears, Wiley, Robinson, and the notorious Alexander McDougall. What is true is that the Sons of Liberty represented the lowest of the four classes, the artisan and laboring classes of the city, and that they directed the conflict in so far as popular agitation and mob violence formed a part of it.[2]

This mob violence and popular agitation, during the Stamp Act episode, reached a climax from the 1st to the 3d of November, as a result of the arrival of the stamps at Fort George. The mob went through the city crying "liberty," destroying property, and burning in effigy certain persons high in authority, including the governor

things, to assume the direction of the government upon them, by the influence they had in the Assembly, gained by their family connections and by the profession of the law, whereby they are invariably in the secrets of many families. Many court their friendship, all dread their hatred. By these means, though few of them be members, they rule the Assembly in all matters of importance." Colden's Report on the state of the province, December 6, 1765. *New York Colonial Documents*, VII. 796.

[1] "The association of the Sons of Liberty was organized soon after the passage of the stamp act, and extended throughout the colonies." Leake, *Life and Times of General Lamb*, p. 2. See also, *Memorial History of New York*, II. 347, 374.

[2] The members of the committees, fairly expressive of leadership in the society it may be supposed, are given by Leake as follows: — *New York City:* John Lamb, Isaac Sears, William Wiley, Edward Laight, Thomas Robinson, Flores Bancker, Charles Nicoll, Joseph Allicoke, and Gershom Mott. *Albany:* Jeremiah Van Rensselaer, Myndertse Raseboom, Robert Henry, Thomas Young. *Huntington:* J. S. Hobart, Gilbert Palter, Thomas Brush, Cornelius Conklur, Nathaniel Williams. *Life and Times of General Lamb*, p. 4. See also, *House Journal*, January 7, 1848; and, Sears, *Pictorial History of the United States*.

The first popular meeting of importance was called by the merchants. On the 17th of October, 1765, the following notice appeared in the *New York Gazette:*—"A meeting of the friends of liberty and the English Constitution, in this city and parts adjacent, is earnestly desired by great numbers of the inhabitants, in order to form an association of all who are not already slaves, in opposition to all attempts to make them so." Soon after, October 31, a meeting was held, probably as a result of this notice, at George Burns's inn. Resolutions agreeing not to ship English goods until the Stamp Act was repealed were signed by some 200 merchants. *New York Gazette*, November 7, 1765. Leake states that the meeting also appointed a committee of correspondence, of five members, all Sons of Liberty. *Life and Times of General Lamb*, pp. 14, 15. The *Gazette* does not mention it. See also, *Memorial History of New York*, II. 367 n.

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himself.[1] But opposition of this sort was not to the liking of the propertied classes, however much they may have disapproved of the levy and collection of the stamp tax. A little rioting was admirable it is true, so long as it remained entirely under their own control and was directed to the one end of bringing the English government to terms. But when the destruction of property began to be relished for its own sake by the classes which were propertyless, and when the cry of liberty came loudest from those who were most conspicuous for their lack of all political privileges, it seemed well to draw back; these men might not cease their shouting when purely British restrictions were at an end. The ruling class in New York saw clearly that "liberty" and "no taxation" were arguments which might be used with as great potency against themselves as against the home government—arguments which indeed the unfranchised classes were already making use of. Consequently on Monday, the 4th of November, the mayor and several leading citizens, among them Livingston, attended a council called by the governor. The governor promised not to deliver or suffer to be delivered any of the stamps in Fort George. This promise was affixed to a statement purporting to express the satisfaction of the "Freemen and Freeholders," and their further determination to keep the peace until other causes of conflict arose; the document was signed by Livingston, Cruger, Beverley, Robinson, and J. Stevens, printed on a broadside, and circulated throughout the city. But in spite of the fact that the proposition bore the names of Beverley and Robinson, the "people" were not satisfied. It was demanded that the stamps be delivered to the corporation, and a popular meeting was called for the 5th of November. The common council then took the initiative; a committee was sent to the governor, and the stamps, in return for a receipt, were taken and lodged in the city hall. The mob dispersed.[2]

This reaction of the propertied classes[3] against the more rad-

[1] "31st October, 1765. Several people in mourning for the near issue of the stamps, and the interment of their liberty. Descended even to the Bag-Gammon boxes at the Merchants Coffee House being covered with black and the dice in crape. This night a mob in three squads went through the streets crying 'liberty,' at the same time breaking the lamps and threatening particulars that they would the next night pull down their houses." *The Montresor Journals* (New York Historical Society Collections for 1881), p. 336. For a further account of the doings of the mob, especially the burning of the governor in effigy, see *Colden's Letter Book*, II. 54; *Memorial History of New York*, II. 360; *Montresor*, p. 337.

[2] *Memorial History of New York*, II. 363. For the receipt which was given, see *Colden's Letter Book*, II. 57.

[3] While the propertied class was seconded to some extent, in this reactionary movement, by the merchants and the lawyers, it is still true that the land owners were at this date the prime movers in the reaction. The main body of the merchants certainly assumed

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ical methods of the Sons of Liberty, which was also a feeling of jealousy at the interference of the lower classes in politics, was attended with more success in the matter of instructing the city's representatives in the assembly. The leaders now made use of their experience in political methods to secure success by a little diplomacy, where, in point of mere numbers, they were very likely at a disadvantage. On the 25th of November, certain of the leaders of the radicals, after consultation, posted a notice about the city, according to their custom, calling a meeting of the freemen and freeholders for the purpose of considering the matter of issuing instructions to their representatives.[1] On the day appointed the conservative leaders, it appears, attended the meeting in considerable numbers, and by an ingenious device appointed their own committee, laid aside the originally prepared instructions, and adopted less radical ones in their stead.[2] The following day their committee in person presented the instructions to the assembly.[3]

a conservative attitude only at a later date; as for the lawyers, some ultimately became Tories others remained with the radical party. "The lawyers leveled at . . . to be at the bottom of this disgraceful insurrection." "The lawyers deemed by the people here to be hornets and firebrands . . . the planners and incendiaries of the present rupture." *The Montresor Journals*, p. 339.

[1] "LIBERTY PROPERTY AND NO STAMPS! A general meeting of the freeholders, freemen, and inhabitants of the city and county of New York is desired on Tuesday afternoon, at the house of Mr. Burns . . . in order to agree upon some instructions to be given to their representatives in the general Assembly." *New York Mercury*, December 2, 1765. See also, *The Montresor Journals*, p. 340.

[2] When the meeting had assembled, "one or more of the company, supposed to be previously instructed, proposed some particular gentlemen present to be appointed a committee for the county. These gentlemen, without the general assent of the people, agreed to the proposal on condition they might be joined by several other gentlemen present who were named." The unexceptional character of the men named prevented any exception being taken to them. Thus the men first appointed, who seemed the prime movers but were not at all, took the lead and diverted the meeting from its original design. *New York Mercury*, December 2, 1765. The instructions which the meeting drew up expressed the belief that it could not be unreasonable, in these troublous times, for constituents, "in this constitutional way," to urge upon their representatives the need of watchfulness in the public interest, and proceeded to point out the dangerous tendency of the duties recently levied, etc. *New York Gazette*, November 28, 1765.

[3] The committee included William Livingston, William Smith, James DeLancey, and John Morin Scott. For the whole list, see *New York Gazette*, November 28, 1765. They were received kindly by the assembly, and were assured that the matter had already been taken into consideration. *Ibid.* About a month later the assembly passed resolutions embodying the instructions of the committee, but adding a profession of allegiance to the King. *Ibid.*, December 26. On the very day that the above instructions were presented to the assembly, November 26, a curious anonymous document was received by that body, which was also in the nature of instructions. It was not the resolutions which were originally prepared for the meeting of the 26th of November (for these, see *New York Mercury*, December 2, 1765), but was the work of some of the Sons of Liberty, or of individuals calling themselves such. The document was delivered to the clerk of the assembly in a sealed envelope, and when opened read as follows:—"Gentlemen of the House of Representatives you are to consider what is to be done first drawing of

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After this rebuff the Sons of Liberty threw off the mask of secrecy, declared themselves the true representatives of the city and county, complained that they were not being supported by the best element of the people, and discussed the question as to whether the stamps in the state house should be burnt or sent back to England.[1] The first factional divisions of the Revolution were becoming clearly marked.

The result of the Stamp Act episode in detaching the propertied classes and especially the landed classes from the more radical followers of the Sons of Liberty, was thrown into strong relief by the elections of 1768 and 1769. In both of these elections the popular party of Livingston was defeated, and the royal or court party of De Lancey for the last time gained control of the assembly. It is true the moderate measures of resistance to the Stamp Act, which were also the most effective ones, had been carried through by the Livingston party in control of the assembly; but that party was at first hardly distinguishable from the mob element, and never perhaps became completely differentiated from it. It followed as a natural

as much money from the Lieutenant Governor's sellery as will Repare the fort and on spike the guns on the Battery & the nex a Repeal of the gunning act & then there will be a good Militia but not before and also as you are a setting you may consider of the Building act as it is to take place next yeare wich it Cannot for there is no supply of some sort of the materials Required this law is not ground on Reasons but there is a great many Reasons to the contrary so gentlemen we Desire you will do what Lays in your power for the good of the public but if you take this ill be not so conceited as to say or think that other people know nothing about government you have made these laws & say they are Right but they are Rong & take away Liberty, Oppressions of your make gentlemen make us SONS OF LIBERTY think you are not for the public Liberty, this is the general opinion of the people for this part of your conduct By order signed one and all, FREEDOM." *Documentary History of New York*, III. 495 (ed. 1850–1851). The assembly voted the letter scandalous and offered a reward of £50 for the detection of the author. Dawson, *The Park and its Vicinity*, p. 15 note.

[1] "23rd. (Dec., 1765) Assembled a mob for householder's votes—yea or nay to burn the Stamps or send them to England back. Undetermined." *The Montresor Journals*, p. 343. "4th Feb., 1766. Meeting of the Libertines, who seem to decline, being much concerned that the gentlemen of property in the town dont publicly join them. They formed a Committee of Correspondence with the Liberty Boys of the neighboring Provinces." *Ibid.*, 348. For the further activity of the Sons of Liberty during this period, see *Memorial History of New York*, II. 374; *New York Gazette*, January, 2, 9, 17, 23, 30, and February 6, 1766; *New York Mercury*, February 17, 1766; Onderdonk, *Documents and Letters Intended to Illustrate the Revolutionary Incidents of Queens County*, pp. 13, 14. "Our political affairs are in great confusion. Today will be decided if the moble will command the town or will be subjected to the better sort of citizens. The latter are called by the Mayor and corporation to meet at 11 o'clock at the city hall to resolve upon the point. The Sons of Liberty, so as they stile themselves, pretend to take by arbitrary force the stamps out of the town house and send them to England. . . . The last resolves of the Assembly concerning the present circumstances are very well. Why have they not been so moderate long ago? The effect would have been favorable and their conduct honorable. We set the house afire and then endeavour to put it out." Peter Hasenclerer to William Johnson, New York, December 23, 1765. Johnson MSS., 11. 279.

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consequence that the party had to bear the discredit of the whole movement, the most clearly remembered features of which were mob violence and lawlessness. The assembly, thus placed in the hands of the reactionists, became more and more conservative and royalist in character. Its influence decreased steadily until it was replaced by the popularly established government known as the Provincial Congress.

The Townsend Act, which followed close upon the repeal of the Stamp Act, aroused much the same sort of opposition from the Sons of Liberty as the Stamp Act had done. Even the merchant class had not yet been entirely detached from the radical party. But they were nevertheless somewhat more cautious in their resistance, and acted to some extent by themselves. An agreement was drawn up and signed by nearly all of the merchants of New York, in which they pledged themselves not to import anything more from England until the duties were repealed. For those who broke the agreement boycott was to be the punishment. The enforcement of the agreement was placed in the hands of a general committee of one hundred.[1] Having determined upon this policy the merchants settled down to await the repeal. Meanwhile popular agitation and resistance, which were continued largely under the direction of the Sons of Liberty, were directed against the assembly in the proportion to which that body became reactionary and royalist. The Sons of Liberty exercised themselves dramatically in erecting liberty poles, quarrelling with the soldiers,[2] arousing opposition to the acts of the assembly, urging their views upon the city's representatives by means of instructions,[3] and illustrating in many ways the

[1] *New York Mercury*, September 12, 1768.

[2] See *New York Colonial Documents*, VIII. 208; *Colden's Letter Book*, II. 211. Broadsides entitled "To the Public," and, "To the Inhabitants of the City," in the New York Historical Society Library, volume one of the collection of broadsides. *New York Mercury*, February 5, 1770; Leake, *Life of Lamb*, p. 54, *et seq.*

[3] The practice of drawing up instructions to representatives was a natural accompaniment of the coming political self-consciousness of the unfranchised classes. Almost inevitably the electors in a republican government look upon their representatives as mere agents of their own will; inevitably they will try to shape and control legislation by forcing this will upon their representatives. Instructions furnished the first method used by the popular element in America for controlling their representatives in this respect. The perfected nominating convention, with its platform, represents a later and perhaps a more efficient method. The practice of giving instructions was very common during the period under consideration. The "great majority of the freeholders of Queens and Suffolk counties" were pleased with the action of their representatives relative to the British acts of oppression, but directed them further to counteract the ruinous effect of the high fees of the supreme court, to continue the £5 act, and if possible raise the limit to £10. *New York Mercury*, April 17, 1769. Instructions to the same effect were sent in from many counties, and the object they had in view was ultimately attained. *Ibid.*, June 5, 1769. Another question that was agitated at this time was the proposed bill for substi-

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influence of popular activity in political matters. The most prominent issue between the assembly and the Sons of Liberty at this period was raised by a bill proposing to appropriate money for the support of the British troops in the province. The episode presents perhaps as good an illustration as can be found of the popular political activity of the time, and shows therefore how the Revolutionary questions were teaching a minority the uses of popular organization. Mass meetings, committees, resolutions, instructions, were the crude ore out of which the nominating convention finally came a perfectly tempered instrument.

Soon after the bill proposing to aid the soldiers was brought forward, in December, 1769, a hand bill appeared, entitled "To the Public," and signed "Legion."[1] The sheet referred to the "late

tuting the ballot for viva voce voting. The Sons of Liberty had long desired such a change. They held a meeting at which they instructed the representatives of the city to support the measure. *New York Mercury*, Jan. 8, 1770. On the following day notice was given to "all such who are disposed to sign the petition to the Honorable House of Representatives praying it to pass a law to elect our representatives by ballot, that there will be petitions lodged at the houses of Messrs James M'Cartney in Bayard street, Henry Becker in the Broadway, David Philips in Horse and Cart street, and at Jasper Drakes between Beekman's and Burling's slip." (Broadside, Jan. 5, 1770, in the New York Historical Society Library, Vol. I. of the collection of broadsides.) But there was also strong opposition to the proposed change On the 4th of January, the following notice was circulated on a broadside, entitled "TO THE INDEPENDENT FREEHOLDERS AND FREEMEN OF THIS CITY AND COUNTY. It having been industriously propagated that numbers of the voters of this city and county have been long intimidated at elections, and are therefore desirous of voting for the future in a secret manner by way of the ballot: which report being by many surmised to be void of a proper foundation, and only intended to answer the particular private purposes of certain persons: it is therefore requested that the independent Freeholders and Freemen . . . will meet at the Merchants Coffee House, tomorrow at eleven o'clock in the forenoon, to convey their sentiments respecting this matter to their representatives." (Broadside, Jan. 4, 1770. As above, Vol. I.) On January 5th a number of people assembled at the Coffee House, "when a gentleman at request of a number of his friends delivered himself in the following words: Gentlemen, I am desired to address you on the present very important occasion, and I beg your attention to what I am about to propose, in order to secure to us the exercise of one of our most invaluable privileges . . . And then the question was put in the following words: Gentlemen, do you approve of the old free constitutional mode of voting publicly and openly for the representatives you like? When a great number of the inhabitants signified by loud acclamation their entire approbation of the old mode." *New York Mercury*, Jan. 8, 1770. Instructions were prepared which dilated at length upon the danger of radical innovations, and closed with the following words: "Therefore we desire you . . . would endeavor to protect us in our . . . constitutional right of election, for we will not that the old custom of the land should be changed." *Ibid.* These instructions were signed by some 1700 names it is said, and were presented to the assemby by a committee which the meeting had appointed. The bill had already been defeated, but the representatives assured the committee that they would always give careful attention to "constitutional instructions from a majority of their constituents." *Ibid.*, Jan. 22, 1770. For instructions from the "inhabitants of Westchester county," see *New York Mercury*, Jan. 15, 1770.

[1] Broadside, no date, in the New York Historical Society Library, volume one of the collection. *Documentary History of New York*, III. 534, ed. 1850–1851.

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base inglorious" action of the assembly in "opposition to the loud and general voice of their constituents," and called upon all inhabitants to convene at eleven o'clock on the morning of the 17th of December in the Fields, to pronounce upon this violation of the well known will of the people. On the 16th a still more radical tirade appeared, entitled "To the Betrayed Inhabitants of New York," and signed "A Son of Liberty." It also urged a meeting for drawing up instructions and appointing a committee.[1] On the appointed day some fourteen hundred people assembled in the Fields near Mr. Montagnie's coffee house. After waiting till twelve o'clock, "they appointed a gentleman (John Lamb) to propound the necessary questions. . . . He stated and explained the vote passed by the Assembly for granting the money to support the troops. After a small pause the question was put: Whether they approved of the vote of the . . . Assembly . . . which was carried in the negative, there being but very few in the affirmative, not more in our opinion than five or six. And then the question was put: Whether they were for giving any money to the troops under any consideration whatever? which was carried in the negative, there being not more in the affirmative than there were on the other question." A committee of ten was then appointed, which the assembly received "with decency, and in general returned for answer: That they were of the opinion that a majority of the inhab-

[1] Broadside, as above. *Documentary History of New York*, III. 528; Dawson, *The Park and its Vicinity*, p. 25 For the author of these articles rewards were offered of £50 and £100 respectively. *Documentary History of New York*, III. 532, 534; Dawson, *The Park ana its Vicinity*, p. 25. From Parker, the editor of the *Gazette*, it was learned that the probable author was Alexander M'Dougall, who was consequently imprisoned for nearly three months. *Documentary History of New York*, III. 536. This arrest made McDougall the hero of the hour. He posed as the Wilkes of America, and was oppressed with visits of condolence; so much so that the following manifesto was put forth from the New Gaol on the 10th of February, 1770: "Many of my friends, who, having honored me with their visits since my oppressive confinement in this place, have advised me, as I intend to devote a good deal of my time to do justice to the public, in the cause for which I am imprisoned, to appoint an hour from which it will be most convenient for me to see my friends: I do therefore hereby notify them that I shall be glad of the honor of their company from three o'clock in the afternoon till six." Dawson, *The Park and its Vicinity*, p 32. From time to time he issued addresses to the freeholders from the New Gaol. See Broadsides, December 22, 1770, and January 26, 1771, in the New York Historical Society Library, Vol. I. of the collection. For further information on this affair. see Thomas, *History of Printing*, II. 260–262; *New York Colonial Documents*, VIII. 208; *Colden's Letter Book*, II. 211. Leake, *Life and Times of General Lamb*, p. 60. The letter entitled "To the Betrayed Inhabitants of New York" was answered by "A Citizen," in another broadside dated December 18, 1769. Five days later this was in turn answered by "Plebeian," who pointed out that the assembly could not plead ignorance of the will of the people. Even before the meeting in the Fields they might have had full instructions, for "they must know *how ready the people are to come together to consult on matters that respect their liberties and property.*" Broadsides as cited.

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itants were disposed to give money to support the troops, and that it was now too late to pay any regard to the above report of the committee."[1]

This may serve to illustrate the attitude and the methods of the Sons of Liberty, during the period from the levying of the new duties until 1770, when all but the duties on tea were repealed. The Stamp Act episode had detached the landed classes generally, if one may make a rough generalization, but there was yet no sharp separation of the merchants from the mechanics and artisans—the "Inhabitants"—who filled up the ranks of the Sons of Liberty. Two forces were now operating however to separate the merchants from the mechanics and artisans. In the first place, the merchants, who were mostly men of property, were becoming conscious, as the landed classes had already become, of the consequences of the "mobish violence" which was constantly disturbing the peace of the city; and like the landed classes they resented the growing interference of an unfranchised class in political matters. More important however was the fact that, as the years passed and the duties were unrepealed, the commercial interests of the city began to suffer on account of the sweeping character of the non-importation agreement. The merchants began to consider therefore whether it were not possible to dispense with the liberty in return for a little trade—whether it were not quite as well to be a "Son of Liberty and Trade," as to be a mere "Son of Liberty." Early in 1770 this feeling became strong enough to reform the non-importation agreement on a more conservative basis; the same movement split the old organization into two—the Sons of Liberty and the Sons of Liberty and Trade.

The division came when the Rhode Island merchants first broke away from the old non-importation agreement. Upon learning of this violation, the committee of vigilance called a meeting of the inhabitants, by public notice, to meet on the 5th of June.[2] A "considerable number of inhabitants" assembled on that day; and to them was twice read a series of resolutions, previously prepared by the committee, condemning the Rhode Island merchants, declaring them enemies of the country, proposing to boycott them, and renewing the adherence of the New York merchants to the non-importation agreement. The assembled inhabitants assented to these resolutions, it is said, by a great majority.[3] Meanwhile the con-

[1] *New York Mercury*, December 25, 1769.

[2] General direction of the affairs of the non-importation league in New York was in the hands of a committee of one hundred. A subcommittee of vigilance acted for it in an administrative or executive capacity. The call for the meeting was posted May 30th. *New York Mercury*, June 11, 1770; Leake, *Life and Times of General Lamb*, p. 67.

[3] For these resolutions see *ibid.*

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servative had been carrying through a plan of their own. A number of merchants had already asked the general committee of one hundred to "take the sense" of the city, "by subscription," whether "an alteration should not be made in our non-importation agreement." A meeting was held and persons were appointed to go through the wards proposing to each of the inhabitants the following question: "Do you approve of a general importation of goods from Great Britain except teas and other articles which are or may be subject to an importation duty? Or do you approve of our non-importation agreement continuing in the manner it now is?"[1] A majority was found to be in favor of importation according to the proposed change.[2] Somewhat to the surprise, and much to the chagrin, of the committee of vigilance, which seems to have been composed of the radical element, both the meeting and the resolutions of the 5th of June were therefore disavowed by the general committee of one hundred, a majority of which were in sympathy with the views of the conservatives. From this time the division was complete.[3]

[1] *New York Mercury*, June 18, 1770; Leake, *Life and Times of General Lamb*, p. 67.

[2] *Ibid.* According to Colden 1,180 persons, among them the principal inhabitants, declared for importation, "about 300 were neutral or unwilling to declare their sentiments and few of any distinction declared in oppostion to it." *Letter Book*, II. 223.

[3] The separation had of course been long in coming. The actual struggle over non-importation was introduced by a curious and amusing prologue earlier in the year. It had been customary for the Sons of Liberty and others to celebrate, annually on the 18th of March, the repeal of the Stamp Act. At first this celebration was held at Bardin's Tavern. *New York Mercury*, March 9, 1767. As early as 1769 the friends of the repeal had divided into two factions, one holding its celebration at Bardin's as usual, the other at Van DeWater's. The former party Holt, editor of the *Journal*, characterized as "the genuine Sons of Liberty," composed mostly of merchants; the latter were "probably mechanics." *Memorial History of New York*, II. 397. At the next celebration the division was complete. The radical faction posted a notice calling a meeting of the Sons of Liberty at Montagnie's (Bardin's establishment had meanwhile been taken by Montagnie) as usual. Whereupon Mr. Montagnie published the following notice in the *Journal*: "To The Public: An advertisement having appeared in last Monday's papers inviting the Sons of Liberty to dine at my house on Monday, the 19th of March next . . . not having proceeded from any of the gentlemen who engaged my house for that day, I think myself obliged to give this notice that several gentlemen, as a committee from a great number of other gentlemen, having engaged my house some time ago for the 19th of March next, I shall not be able to entertain any other company." *New York Journal*, Feb. 8, 1770; Dawson, *The Park, etc.*, p. 42. A few days later the following appeared from the committee mentioned by Montagnie: "The friends of Liberty and Trade, who formerly associated together at Bardin's . . . to celebrate the . . . repeal of the stamp act, are requested to meet for that purpose on Monday, the 19th of March next, at the house of Mr. Abraham De La Montagnie." Dawson, *The Park, etc.*, p. 43. Finally, on the 15th, the other faction announced: "To all the Sons of Liberty," that whereas the house of Mr. Montagnie could not be secured, "a number of Sons of Liberty" had secured "the corner house in the Broadway, near Liberty Pole, lately kept by Mr. Edward Smith." *Ibid.* This house was purchased for the permanent use of the Sons of Liberty. It stood at the corner of Broadway and "the Bourie Road," and was christened Hampden Hall. Leake,

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The general merchant body was now detached from the Sons of Liberty proper; henceforth it favored non-importation only as respects articles actually taxed; and its influence was exerted in support of conservative measures and in opposition to mob violence and all hasty and ill-considered action. For a time therefore the Sons of Liberty remained under a cloud, especially during the years of 1771 and 1772, which, partly because of the repeal of all duties except those on tea, were a period of quiet and unsuited to the turbulent activity which had brought them into prominence in previous years.[1] But their opportunity came again within the next two years when the East India Company attempted to force the importation of tea into the colonies. The Sons of Liberty renewed not only their spirit but also their organization; and from this time dates the struggle between the radicals and the conservatives to direct the Revolutionary policy of New York by controlling this organization. It is necessary to notice therefore: (1) What was the new attitude of the British government which presented the question directly at issue; (2) the renewed organization of the Sons of Liberty which claimed to represent the city; (3) the result of the tea episode upon the attitude of the conservatives.

The Stamp Act had been repealed in the spring of 1766. On the 20th of November, 1767, an import tax had been laid upon tea, glass, painter's colors, and paper. All of these duties were in turn repealed in 1770, with the exception of those on tea, which were retained as a test "of the parliamentary right to tax." But it was difficult to make any test so long as the American merchants refused to import any of the tea. Meanwhile the affairs of the East India Company were in a deplorable state, the result, it was thought, of the loss of the American market which had been regularly supplied by illegal traffic with Holland. Partly to test the right of taxation, partly to relieve the East India Company, a scheme was proposed by which the Americans could get their tea from England with the duty, cheaper than from Holland without it. This was effected by giving the company a drawback, on the tea exported to America, of all duties paid on such tea when entering England from the east. With this advantage the company was enabled to offer tea to America at a price which, even with the slight duty, was less

Life and Times of General Lamb, p. 62. From this time on the parties celebrated separately. See *New York Mercury*, March 4, 1771; *Memorial History of New York*, II. 419.

[1] "It gives me particular satisfaction to find this party [non-importation] entirely defeated last week in a violent struggle to turn out such of the elective magistrates of the city as had distinguished themselves in any way in favor of government." Colden to Hillsborough, October 15, 1770. *Letter Book*, II. 229. See *Ibid.* 222, 223.

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than the price which must be paid for it in Holland. But the company was given to understand that the Americans would not be influenced by any mere appeal to their pecuniary interests, and that an attempt to land any dutied tea in America would be attended with disastrous results. The directors were nevertheless assured by Lord North that the King would have it so; he was determined to "try the question with America." Four ships were consequently sent to the four ports of Boston, New York, Philadelphia, and Charleston, in the fall of 1773, and agents appointed by letter to receive the cargos in each port.[1] The expected arrival of Captain Lockyear at the port of New York furnished the occasion for a reorganization of the Sons of Liberty.

On Thursday, the 16th of December, 1773, some of the Sons of Liberty, who still acted as a committee of the society, though the organization had fallen away somewhat during the quiet years since 1770, issued a broadside calling a meeting for the following day at the city hall. Besides the members, "every other friend to the liberties and trade of America," was invited to be present.[2] In spite of bad weather, "a very numerous and respectable number of citizens met at the City Hall" on the following day. Mr. John Lamb, of the committee, addressed the meeting on the questions at issue, and read several letters which had been received from the Boston and Philadelphia committees of correspondence relative to the "importation of the East India's tea." A committee of fifteen was then chosen to answer these letters and "to correspond with the sister colonies on the subject of the dutied tea." A series of resolutions, bearing the date November 29th,[3] entitled "The Association of the Sons of Liberty of New York," was then read. The preamble of these resolutions related briefly the history of the import duty on tea, the failure to secure American importers, and the

[1] Broadsides dated November 29, and December 17, 1773, in the New York Historical Society Library, Vol. I. of the collection. *Rivington's Gazetteer*, November 18, and December 2, 1773; Fiske, *American Revolution*, I. 82, 83.

[2] "The members of the association of the Sons of Liberty are requested to meet at the City Hall at one o'clock tomorrow (being Friday) on business of the utmost importance, and every other friend to the liberties and trade of America are hereby most cordially invited to meet at the same time and place.

The Committee of the Association.

Thursday, 16th December, 1773."

Broadside, December 16, 1773, in the New York Historical Society Library, Vol. I. of the collection.

[3] These resolutions bearing date of November 29th were drawn up and adopted at a meeting of that date. Broadside, November 29, 1773, as above cited. The later meeting of the 17th of December was probably held for the purpose of securing a more general support of the resolutions. At any rate the latter meeting may be said to mark the complete reorganization of the Sons of Liberty.

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recent acts of Parliament favorable to the East India Company, finally closing with the assurance that the tea ships might be daily expected. "Therefore," the document continues, "to prevent slavery . . . we the subscribers, being influenced from a regard to liberty and disposed to . . . transmit to our posterity those blessings of freedom which our ancestors have handed down to us, and to contribute to the support of the common liberties of America which are in danger to be subverted: Do, for those important purposes, agree to associate together under the name and stile of the SONS OF LIBERTY OF NEW YORK, and engage our honor to and with each other faithfully to observe and perform the following resolutions." The five resolutions which follow the preamble recite that the subscribers bind themselves to consider as an enemy of the liberties of America any and every person who aids or abets the introduction or the landing of the dutied tea, or buys or sells it, or aids or abets the purchase or sale of it; whether the duty was paid in England or America was immaterial; as for him who transgressed these rules "we will not deal with or employ or have any connection with him." The resolutions having been read, "Mr. Lamb then putting the question whether they agreed to these resolutions? it passed in the affirmative nem. con." At this point the mayor and recorder came in with a message from the governor. Permission having been received to deliver it, the mayor stated that the governor wished to make the following proposal to the people, viz: that the tea should upon arrival be put into the fort at noon day, that it should remain there until the council or the King or the proprietors should order it delivered, that it should then be delivered at noonday. "Gentlemen," said the mayor, "is this satisfactory to you?" For all answer he got only "no" repeated three times. Mr. Lamb in his turn, having made some pertinent remarks, put the following question: "Is it then your opinion gentlemen that the tea should be landed under these circumstances?" So general was the negative reply that there was no call for a division. The meeting then adjourned till the arrival of the tea ships. The association, together with an account of the meeting, was ordered printed and transmitted to the committees of the other colonies.[1]

Such were the Sons of Liberty newly organized. They claimed to represent the city, and through their committee to express its will. When the tea ships arrived on the 18th of April, 1774, the

[1] An account of the proceedings of the meeting, including the advertisement by which it was called and the resolutions of association in full, was published by John Holt. This document is in the New York Historical Society Library. Vol. I. of the collection of broadsides. See also, Leake, *Life and Times of General Lamb*, pp. 79, 80.

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city was informed by the committee's hand bills, and from day to day other announcements of a similar character furnished information as to what had been and what would be done.[1] It is likely that the claim of representing the city was not altogether unjustified in this particular case, for the attempt to force importation upon the colony was certainly not popular with any class. The merchants themselves, as we have seen, had never given up the principle that dutied goods should not be imported, and they were quite willing to resist any effort to force such articles into the province. Even the extreme conservatives were willing to record their protest, and the assembly took action for the last time by appointing a committee of its own, "to obtain the most early and authentic intelligence of all such acts and resolutions of the British Parliament . . . as do or may relate or affect the liberties and privileges of his Majesty's subjects in America, and to keep up . . . a correspondence . . . with our sister colonies."[2] Thus all parties were practically at one in respect to the importation of the dutied tea; the conservatives, in so far as they refused to act with the Sons of Liberty, were actuated rather by jealousy of the growing political influence of the unfranchised classes, and by fear of their undisciplined methods of resistance, than by difference of opinion as to the nature of the British policy itself.[3] And this fear was not altogether unfounded as the sequel proved. The radical methods which the Sons of

[1] "TO THE PUBLIC:—The long expected tea ships arrived last night at Sandy Hook, but the pilot would not bring up the Captain until the sense of the city was known. The committee were immediately informed that the Captain solicits for liberty to come up to provide necessaries for his return, the ship to remain at Sandy Hook. The committee conceiving that he should have such liberty signified it to the gentleman who is to supply him and others with necessaries. Advise of this was immediately dispatched to the Captain, and whenever he comes up care will be taken that he does not enter the customs house and that no time be lost in dispatching him. New York, April 19, 1774." Broadside, as above cited. "TO THE PUBLIC: The sense of the city relative to the landing of the East India Company's tea being signified to Captain Lockyear by the committee, nevertheless it is the desire of a number of the citizens that, at his departure from hense, he should see, with his own eyes, their detestation of the measures persued by the ministry to enslave the country. This will be declared by the convention of the people at his departure . . . which will be on next Saturday morning about 9 o'clock, where no doubt every friend of this country will attend. The bills will give the notice about an hour before he embarks from Murry's wharf. By Order of the Committee." (Dated April 21, 1774.) Broadside, as above cited.

[2] *Assembly Journal*, January 20, 1774; *Rivington's Gazetteer*, January 27, 1774. The committee consisted of John Cruger, James DeLancey, Jacob Walton, Benjamin Seaman, Isaac Wilkins, Frederick Philipse, Daniel Kissam, Zebulon Seaman, John Rapalja, Simon Boerum, John DeNoyelles, and George Clinton, "or any seven of them." See also Dawson, *History of Westchester County During the American Revolution*, p. 23.

[3] A few voices were raised favoring the importation of the company's tea, on the ground of commercial necessity. See a series of articles by Popliocola in the Broadsides, as above cited. See also *Rivington's Gazetteer*, November 18, and December 2, 1773.

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Liberty were likely to favor, had already been foreshadowed in the attitude of the meeting of the seventeenth of December, with reference to the proposals of the governor. The action of the citizens of Boston in throwing the tea into the harbor had meanwhile fired the zeal of the New York radicals, and the "Mohawks," a kind of rough riding detachment of the regular army of the Sons of Liberty, were prepared for similar measures if occasion offered. Eventually, in spite of the somewhat conservative attitude of the new committee, a part of Captain Lockyear's cargo was dumped into the harbor, while the band, a little incongruously perhaps, played "God Save the King."[1]

Once more therefore the Sons of Liberty, the representatives of the unfranchised classes, had scored a victory over the propertied enfranchised classes. The event served to separate the factions the more sharply and to introduce the coming struggle for control, because the difference was seen to be largely a question of methods of resistance rather than a question of resistance itself. As this fact became more and more obvious, the extreme conservatives were dropping out of the contest entirely, eventually to swell the numbers of the Tory party. Within a few months the passage of the coercion acts precipitated the permanent Revolutionary contest, and the question became, at least within the city, less and less one of resistance or non-resistance and almost entirely one of the methods and character of the resistance. Was the policy of New York in this struggle to be dominated and guided by the radical unfranchised classes, whose methods were characterized by rashness and mob violence, or was it to be under the direction of moderate men of property, who were accustomed to exercise political privileges, whose methods were those of reason and good sense, and who would firmly assert the rights of the colony without over-stepping the bounds which separated law from lawlessness? The conservatives now saw clearly that a policy of mere negation, a policy of holding aloof, would not in any sense suffice; action of a positive character was necessary. Yet they shrewdly refrained from opposing the organization, now in the hands of the Sons of Liberty, which claimed to represent the city. They were conscious that this organization, whether legal or extra-legal, was grounded in a wide popular support, that it was the essential political institution of the hour, and that through it or not at all they must give practical effect to their ideas. Their energies were now directed therefore to obtaining control of this organization, through which they hoped to

[1] Leake, *Life and Times of General Lamb*, pp. 76, 77, 82, 83.

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guide and direct the popular will. They captured the organization at the election of the new committee of fifty-one. A protracted struggle then followed over the election of delegates to the first Continental Congress; incidentally the first attempt was made by the city committee to organize the rural districts for the Revolutionary contest.

CARL BECKER.

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THE MONROE DOCTRINE AND THE DOCTRINE OF PERMANENT INTEREST

SOME years ago it was the pleasure of the writer to hear from the lips of one of the most distinguished Tammany district leaders a public defence of his *alma mater*. "Tammany Hall," said this patriot, "is a benevolent institution; Tammany Hall is a patriotic institution; Tammany Hall is a philanthropic institution; Tammany Hall has the honor of being the first to propose that immortal Monroe doctrine which blesses and revivifies the world." This remarkable statement suggests widespread popular interest in a doctrine the scope of which appears to be very different in different minds. To the statesman, the editor, the orator, and the writer of magazine articles, the phrase "Monroe doctrine" appears often very like "that blessed word, Mesopotamia," which so comforted and invigorated the poor old mother in Israel; it is a cult rather than a clearly defined principle.

Out of the many senses in which this perhaps overworked phrase has been used, four may be selected as the most important and most widely known. The first of these is the original principle as stated by President Monroe in 1823. The second is Polk's averment from 1845 to 1849—that it is the duty of the United States to annex American territory lest it be annexed by European countries. The third doctrine, stated by Secretary Blaine in 1881, holds that the United States is sole guardian of the transit across the American isthmus, and the arbiter of disputes between Latin-American powers. The fourth doctrine, formulated by Secretary Olney in 1895, is that the United States is sovereign in America, that the British colonies in America are temporary, and that these declarations are a part of international law.

Plainly all these various principles of international policy cannot be one and the same doctrine. Without criticising later American statesmen for looking at things differently from President Monroe, and without overlooking the truth that this nation has an interest in American affairs beyond that of any other power, it is time to inquire what policy in American relation is best and likeliest to advance our permanent national interest; and to ask whether it is longer necessary to express the aspirations of the United States

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in a worn-out formula which no longer has a fixed and vital meaning in our minds. Surely it is one of the humors of history that an envoy whose diplomacy was discredited by both Washington and Jefferson, a President who did not invent his own doctrine, should go down to posterity as a political seer who could frame a controlling principle of guidance in international affairs, still to have unabated force eighty years after the crisis which called it forth.

Not much space need be expended on an account of the origin of the Monroe doctrine. All the world knows that in 1823 there existed in Central and South America a group of about a dozen Latin-American states, recently revolted, practically independent, inasmuch as the mother country could not subdue them, some of them already recognized by the United States as independent nations, yet obstinately claimed by Spain as still her possessions. Upon the other side of the water there was between the great European powers an understanding, the purpose of which was to keep the peace of Europe—a system commonly called the Holy Alliance. This organization has perhaps been maligned; it is almost identical with the present European "concert of powers," and, like its modern sister, was meant to keep order and to save life, though it often dealt selfishly and cruelly with local insurrections, lest they might grow to great convulsions. In 1823 Spain was restored to its tyrant by a French army acting for united Europe, and the tyrant naturally appealed to his sponsors to extinguish the flame of rebellion across the ocean. The project meant the closing of the recently opened Latin-American markets to the general commerce of the world; and Great Britain, who had both commercial and political reasons for standing in the way, gave warning to the United States, and even offered to join in a declaration against European intervention in America. At the same time, though from independent reasons, Russia made claim to the whole northwestern coast of America, as a country never occupied by a civilized nation, and thus set herself counter to the broad-minded project of a Pacific colony, which had for twenty years been dear to Jefferson.

No one who knows the cautious and somewhat sluggish mind of Monroe could suppose *a priori* that he had the genius to meet and counteract the double danger; the real author and probable penman of the famous declaration of 1823 was John Quincy Adams, then Secretary of State. He had already rapped the knuckles of the Russian ambassador on the Oregon question, and he threw all his immense energy into the task of nerving up the President to a strong announcement. The result was the annual message of December 2, 1823, embodying what was thereafter called "The

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Monroe doctrine," the essentials of which are three statements. The first, which immediately follows a discussion of the Russian claims to Oregon, and is quite separate in the context from the part of the message relative to Latin-America, is the statement that "The American continents, by the free and independent condition which they have assumed, are henceforth not to be considered as subjects for future colonization by any European power." The second point is that of intervention in the new Spanish-American states; the most significant phrase is, "We could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny, by any European power, in any other way than as the manifestation of an unfriendly disposition toward the United States." The third point relates to the system of European alliance to prevent revolts: "It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness."

These three positive declarations are in every case offset, or conditioned, by negative statements. In the first place, Monroe expressly disavowed hostility to the possessions of foreign powers in Canada, Alaska, and the West Indies, in the words: "With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere." In the second place, he disavowed any hegemony of the United States among the American powers: "In their career we have not interfered, believing that every people have a right to institute for themselves the government which in their judgment may suit them best." In the third place, he expressly based his right to protest against European intervention on our withdrawal from European interests: "Our policy in regard to Europe, which was adopted at an early stage in the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers."

It will be seen that the Monroe doctrine was not intended by Monroe to be a code of international law, but was called out by a special set of circumstances long since outgrown—aggressions by Russia and by allied Europe. So far as it referred to the future, the doctrine was intended to state a kind of *quid pro quo*; this is sufficiently plain from Jefferson's oft-quoted letter of advice to Monroe: "Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to meddle with cisatlantic affairs."

Much trouble and confusion might have been saved had Monroe and Adams taken out a copyright upon the term "Monroe

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doctrine," and so distinctly confined the term to the state policy that they had in mind. When Polk became President in 1845 the Oregon question had revived in a new form, and in his first annual message he deemed it "A proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe"; but he added a statement, nowhere implied in the original doctrine: "It should be distinctly announced to the world as our settled policy that no future European colony or dominion should, with our consent, be planted or established on any part of the North American continent." Yet even Polk based the right to oppose European colonies, though planted with approval of other American powers, upon the non-interference of America in Europe.

Notwithstanding this bold announcement, the President, a few months later, gave up his principle of colonization by accepting a part of the Oregon territory, and showed his friendship to Latin-America by making war on Mexico. In 1848 Polk wanted to annex Yucatan; and he found his authority in the other and long-neglected branch of the Monroe doctrine; annexation, he said, would prevent the Yucatanese from offering themselves as a colony to some European power, and thus introducing the "political system" of Europe. Whether or not this reasoning was sound, it certainly was not Monroe's.

About the same time American foreign policy was brought to a point on the question of an isthmus canal. Polk was not an anti-expansionist; in fact, his foreign policy might justify him in appropriating the Dey of Algiers's compliment to the Duke of Kent: "Your father, the King of England, is the greatest pirate in the world; and I am second to him." There is, therefore, something droll in the charge of a recent writer that, "Polk lost his signal opportunity for asserting the Monroe doctrine in the face of actual British aggression on the Isthmus." Possibly Polk thought he had already stretched the doctrine as far as it would go.

The next opportunity for the application of the Monroe doctrine was the French conquest of Mexico from 1861 to 1867. Nobody can accuse Secretary Seward of lack of national feeling or diplomatic finesse or quickness in seizing on precedents; and his most recent biographer with justice considers his Mexican policy "his most perfect achievement in diplomacy." Here was the case of a foreign government deliberately overthrowing a neighboring republic and planting a monarchy upon its ruins; one would expect to find Seward's dispatches punctuated with "colonization," "political system," and "interposition." It is a remarkable fact that he nowhere used the words "Monroe doctrine," nor referred to prece-

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dents. He declared at the beginning that it was the policy of the United States "to leave the destinies of Mexico in the keeping of her own people"; and although he advanced in 1867 to the point of a decided threat of war unless the French withdrew, he based his whole policy upon the general doctrine of the right of American peoples to form their own governments, and upon the hostility to the United States shown by France in attempting to establish a despotic foreign government upon our borders. Seward felt strong enough to form a policy of his own without adopting the orphaned Monroe doctrine.

Nevertheless, in the public press and in Congress the words had been heard often enough, and a hostility to English possessions began to appear, expressed in the protest of the House of Representatives in 1867 against the formation of a Canadian federation. President Grant asserted in 1870 that "the time is not so far distant when, in the natural course of events, the European political connection with this continent will cease." The controversy with England came to a head upon the proposed European guarantee of neutrality for the French Panama canal. Mr. Blaine, in 1881, laid down in a general circular a new doctrine of his own, declaring "that European aggression would partake of the nature of an alliance against the United States." But he too, like Polk and Seward, thought the paramount interest of the United States a sufficient ground for objection; and he did not shield himself under Monroe's authority. He had, moreover, a broad scheme of establishing a benevolent leadership among the American states with their own consent, a project partially realized in the inter-American conference of 1889.

The farthest extension of policy to which the name "Monroe doctrine" has ever been seriously applied appears in the explosive despatches of Secretary Olney in 1895, and President Cleveland's special message of December 17, 1895, invoking the Monroe doctrine to prevent the occupation of territory disputed between a British colony and a Latin-American state; again, however, this position was expressly based upon "American non-interference in European affairs." No previous President or Secretary of State had ever taken the broad and sweeping ground now assumed by Secretary Olney; he declared "any permanent political union between a European and an American state was unnatural and inexpedient"; that the interests "of Europe are irreconcilably diverse from those of America"; that "to-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition"; that it is "master of the situation."

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These weighty declarations were further asserted to be at once a reassertion of Monroe's doctrine, and a permanent principle of international law for American relations. Whether sound or otherwise, they have so little relation to the doctrine of 1823 that one is tempted to apply to Secretary Olney's argument the Oxford undergraduate's account of a football game: "It would have been just as good a fight without the ball; the ball was only in the way." It is difficult to resist the conviction that Olney's doctrine would have had more force if it had stood boldly on a principle of permanent national interest. Monroe added no strength to his position.

Jefferson had a theory that no people has a legal right to incur a national debt to be paid by the next generation; perhaps it might be fair to ask that no generation shall lay down a principle of international policy which later generations must be compelled to twist to every new exigency. The various glosses on the original message show clearly the difficulty of adjusting the original Monroe doctrine to the conditions of to-day; indeed, the whole face of America has so changed in seventy-seven years that new principles are absolutely necessary. In the first place, since 1823, Spain has been eliminated as a factor in American affairs, by the long-maintained independence of the Spanish-American states, and very recently by the conquest of Cuba and Porto Rico. At the same time France—in 1823 and again in 1861 a source of real danger—has ceased to be effective in American relations; hence there can never be any shadow of intervention for the sake of restoring Spanish dominion. On the other hand, Monroe's hopefulness that the Latin-American powers would show those qualities of steadfastness, order, and peaceful obedience to the law of the majority which characterize real republican government has been unhappily dispelled; there is not a single Latin-American power, except Mexico, which has succeeded in keeping internal peace, or which could defend its own soil against a foreign army. At the same time the fear that republican government might be extinguished in the United States by what Clay called "the giddiness and intoxication of power" of European monarchy, has forever been dispelled.

The territorial relations of Great Britain and the United States have also undergone a great change; while the British West Indies have diminished in importance and the little colonies of Guiana, Honduras, and Belize are still feeble and thinly populated, Canada has stretched across the continent step by step along with the United States, and is now more strongly attached to England by sentiment and commercial ties than at any time for half a century. The spread

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of the power of the United States from the Atlantic to the Pacific involves the country in new relations with the western states of South and Central America, and lends a powerful impetus to the movement for an interoceanic canal, now the great storm center in American affairs. If there is need for any set doctrine, the Monroe doctrine is too weak for the circumstances of this day, when the United States has become the greatest Caribbean power, the power most concerned in a highway across the narrow lands from ocean to ocean, and the power which has contact with British territory along a land frontier of four thousand miles.

A glance at a map or the turning a page of statistics will show that the only foreign nation which has a vital interest or influence within the Americas is Great Britain. There are Germans in Brazil, Italians in the Argentine, French capital on the Isthmus of Panama, Spanish-speaking people in Cuba and Porto Rico; but Germany, France, Italy, and Spain are not factors in American questions, and can never become such. Since the withdrawal of the French from Mexico in 1867, all the extreme forms of the so-called Monroe doctrine are therefore in essence assertions that to the United States belongs a place in American affairs which will not brook any sharing of responsibilities or power with great Britain.

The changes in American conditions are hardly greater than those in our relations with Europe. When Secretary Olney reiterated that the United States had no share in European complications, he did not expect that four years later the United States would arouse the jealousy of Europe by insisting that Turkey pay a bill for damages at the point of a despatch; or that the United States would lay down a Chinese policy for Europe to follow. In two senses the "political system" which aroused Monroe's suspicions has disappeared. Western Europe is democratic, and a combination of real or unreal sovereigns to prevent the spread of liberal thought has ceased to be possible. In 1823 every country in Europe except Switzerland was monarchic; hence there was an antagonism and a contrast between the American republic and Europe which all the world observed. To-day not only is Switzerland broadly and genuinely a republic, under a government closely modelled on the United States; France is a republic; the Scandinavian countries, Belgium, Holland, Austro-Hungary, Italy, and Germany, are to a large extent democratic; England, under the forms of monarchy, has a government the most closely responsive to public opinion known to mankind. Europe and the European political system are no longer bugbears; and we now study foreign political systems in the expectation of finding something that will be useful to us.

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Commercial relations with Europe are also much more intimate and important than they were in 1823; a single ocean steamship in a year will carry a fifteenth as much as the whole foreign commerce of the United States in 1823. Within the borders of the United States live eight million persons born in European countries; a hundred thousand Americans annually visit the Eastern hemisphere. Missionaries and commercial travellers, the two advance agents of civilization, are found in every European country, and American oil, food products, and manufactures spread throughout the world. When the American tariff draws its cabalistic circle of exclusion, the tin-miner of Cornwall, the button-maker of Vienna, the potter of Limoges, and the weaver of Saxony become aware of the weight of our government. Let any one examine the useful government publication known as *Foreign Relations* during the last twenty years, and one will be amazed at the amount and multifariousness of present American interests in European countries.

To maintain the aloofness which was the condition of the original Monroe doctrine has become, therefore, simply impossible. When the German agrarians and socialists get into a scrimmage in the Reichstag we are interested, for the question is the exclusion of our food exports; when the British Parliament discusses a bill for creating an Australian federation, we are interested, for it means a tariff in New South Wales; when Li Hung Chang exhibits his certificates of good character, while Chinese irregular troops are burning Protestant churches, we are interested, because those churches were built by American contributions. France cannot even hold a world's fair without a reasonable assurance that the Americans will be present with some of the products of the Leadville mines in their pockets.

After all, these commercial and personal matters are not the influences which most powerfully and inevitably draw the United States into European relations. The process of aggregation which is so visible in corporations, companies, and trusts is equally visible in the political world. In 1802 there were about one hundred German states; now there are but twenty-seven, and these are united in one federation. Who does not see that within the last thirty years the number of possible world powers has been steadily drawing down? In all Europe and Asia there are now but four nations which will indubitably be great powers a century hence—Russia, Germany, Great Britain and China. In the Pacific, Japan is the only permanent world power; in the western world there is but one great nation, the United States. These six powers must inevitably control the destinies of mankind; the history of the future is the history of the relations, friendly or otherwise, between them;

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the diplomacy of the future is the grouping and regrouping of these six units with or against each other. Where the ruling powers are so few, how can it be supposed that the United States will be willing to stand aloof from the European controversies which involve the destinies of the world, or that it could stand aloof if it so desired? For good or evil, the United States has taken upon itself a share in the world's affairs and cannot abdicate its responsibilities. There is no such thing for us as a quiet home-dwelling under our vine and fig tree; there is for us no Chinese wall against trade or intercourse or political influences.

What is true of Europe is even more true of the East. The United States has a chain of possessions from the Pacific coast to the Asiatic through Hawaii, Samoa, Guam, and the Philippines. It thus becomes neighbor to Japan, to China, to French, English, and Dutch Asiatic colonies, to New Zealand, to the flourishing new commonwealth of Australia; and this propinquity involves questions of trade, of outlet for our manufactures, of travel, of sojourn, of colonial administration. All these questions ultimately lead back to Europe, because the Asiatic questions of the future, except for the influence of Japan, must be settled in the council rooms of the western world; and the future of China, the fate of Persia, the status of the Pacific islands, are questions which are incapable of permanent solution unless the United States is a party to that solution. Indeed, Wu Ting Fang, Chinese minister, has recently quizzically suggested that, "The Monroe doctrine being the fixed policy of your government, the natural logic is that it should be applied to that part of the world where this country has possessions."

There are people who suppose that it was possible to avoid all these responsibilities by abstaining from the recent conquests in the West Indies or East Indies; but, without a Spanish War, had there never been a Cuba, were the Hawaiian Islands to have sunk beneath the ocean, the eventual participation of America in the world's affairs was as inevitable as the flow of lava down the slope of a volcano. There has never been known to man an aggregation of political and social strength comparable with the United States, which did not make itself a factor in the world's history. Our diplomacy has sometimes been crude, uninformed, and disregardful of its own precedents; but it has expressed a national intention to speak in the councils of nations. The assurance of the physical power of the nation, its ability to make itself felt, the clearness to see national interests in an exaggerated form, have not arisen out of the Spanish War; they come from the natural eagerness of an energetic people, which has perhaps too much confidence in its

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own good judgment, and is quicker to see disorder in other lands than at home; but which feels itself what it really is—a living force in the affairs of mankind.

If American diplomats have henceforth to formulate and defend the American policy of their country, they must do so within the conditions which have been described above. In the first place, they cannot fail to recognize, as they have long recognized, the defects in Latin-American government; Cuba was no worse misgoverned by Spain than Venezuela is by its own people. The history of our relations with our neighbor republics is one of constant irritation on one side, and, in general, of great forbearance on the other; without power to maintain order or to protect their own citizens, the Latin-American governments have been unable, and sometimes unwilling, to prevent the seizure of the property of foreigners, or to avoid acts of personal violence. The phrase which most frequently occurs in the diplomatic correspondence with America is not "Monroe doctrine," but "unpaid claims."

If we expect to exert influence over these countries, we must also take into account their prejudices and their pride. Peru was very glad to have the United States remonstrate against its implacable Chilean conquerors in 1881; Venezuela joyfully accepted the intervention of the United States in the boundary controversy of 1895; but Peruvians and Venezuelans would probably join in resistance to any attempt on our part to set up or support a government for them, however better than their own. Mexico is the great exception to this principle, because in Mexico American capitalists practically dictate the protection of their own property. But if the United States should stand forth as the protector of individual Latin-American states against each other, or in their frequent and unavoidable quarrels with European powers, it would assume also a responsibility which our American neighbors would infallibly resent whenever exercised against their preferences.

In the next place, the existence of small French and Dutch island colonies in the Caribbean, and of larger and more important British islands and continental areas, must be accepted as a fact; and there seems no likelihood of the extinction of the French or English title by any process short of a successful war of conquest.

A permanent and growing interest in what have hitherto seemed strictly European questions must also be taken into account by our statesmen. It seems probable that a second Cretan insurrection or Armenian massacre or subjugation of Hungary would lead to protests more vigorous than the United States has ever yet uttered on European affairs; and the transatlantic war of tariffs must some-

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time have an end either by lowering of the bars at both ends, or by hostile and irritating retaliatory legislation. In the Pacific and in eastern Asia the nation appears to have a footing which it is not disposed to give up. Plainly it is idle to base the foreign policy of the United States longer on the principle that we stand entirely separate from the quarrels or the diplomatic arrangements of the Eastern hemisphere.

The extension of the term "Monroe doctrine" from the limited form given it by John Quincy Adams to that stated by Secretary Olney has of course a reason: there is an apparent advantage, when the United States takes up a position in American diplomacy, in bringing it within the Monroe doctrine; because it may then be urged that foreign powers which ignore or question our positions have had many decades of notice, and hence are sinning against light. But it is impossible to appeal to a part of the principle and to ignore the rest; and the history of the doctrine shows absolutely that down to 1895 the United States always asserted a special American influence, on the ground that it left to European powers a similar special interest in Europe. This is simply a doctrine of the permanent subdivision of the earth into two spheres of influence, each of which could get on without the other, and in each of which the interference of the other would be unwarranted. There was really no such separation in 1823, and every year draws the ends of the earth closer together. To claim the Monroe doctrine as still our guiding principle is to suggest to other nations that the United States has no power outside America. The two areas are not separate and never can be separated; the United States is a world power, and cannot claim the special privileges of a diplomatic recluse, and at the same time the mastery of the western hemisphere.

That the interests of European powers in America are in general not equal to those of the United States is as true as that the United States can and will keep out of most European imbroglios. It was not by accident that Seward in 1867 based his protest against the final conquest of Mexico upon a broad basis of permanent national interest: that has really been the ground for each of the Protean forms of statement which have been discussed above. Adams, Polk, Fish, Blaine, Olney, Hay, all have had in their minds the conception that international relations depend as much upon geography as upon international law, that propinquity of necessity creates questions which cannot be settled off-hand by diplomatic precedents. It is notorious that neighboring countries almost always have permanent grievances against each other; if Italy were across the channel from England, the two powers would constantly

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be in hot water; if Brazil were a German colony, there would be friction between the United States and Germany all the time. All that was valuable in Monroe's message was the assertion that the United States had such a commercial and political interest in this hemisphere that it would not permit European powers to alter the American status by force. Had Spain possessed the physical power to conquer the rebellious colonies, the United States would not have felt itself bound by Monroe's disclaimer, and eventually would have compelled Spain to give them up. If the United States had a commerce for which the Suez canal was indispensable, it would naturally take a great interest in the control of that canal; but we do not need Monroe's leave for the assertion of such an interest.

Most people who talk about the Monroe doctrine mean nothing more than that there should be no change of status in America prejudicial to the United States, though public opinion varies from year to year as to what is prejudicial. In the fifties Buchanan, Mason, and Soulé were sure that emancipation of slaves in Cuba was prejudicial and must be prevented; in 1867 the majority of the Representatives thought the formation of a Canadian confederacy prejudicial. In 1850 the neutrality of the isthmus canal was thought so important that we went into the Clayton-Bulwer treaty; in 1881 Mr. Blaine ignored the treaty; in 1900 Mr. Hay recognized its validity by negotiating for its abrogation.

Is it not possible to rise above temporary and fleeting issues to some understanding as to what the "permanent interest" of the United States demands? To formulate a state paper expressing such a principle is the work of a statesman and not of an essayist, but some clear and definite bases may be laid down for any permanent policy in pan-American affairs.

The first is that the territory of the United States is not to be hemmed in and cut off from its natural outlets; the annexation of Louisiana, of the Floridas, of Oregon, and of California, all resulted from this principle; at present it is not necessary to appeal to it, because our territory is everywhere accessible. The one exception is the highway of the Great Lakes which has no natural route to the sea; but it is easier to make a safe commercial connection through the Mohawk Valley than through the lower St. Lawrence, and we do not need Quebec while we have New York. The only two strategic points which seemed threatening a few years ago have now come into our possession by the control of Cuba and the annexation of Hawaii. We are well protected.

The next principle is that the commerce of the United States with its American neighbors must not be shackled by any restric-

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tions emanating from Europe. We reserve the right to cut off our own trade, and the failure of several successive series of reciprocity treaties in the last twenty-five years seems to show that Congress does not wish to extend our commerce in America at present; but we do insist that no obstacle shall grow up to prevent at least an equal opportunity in the commerce of the Latin-American states.

In the third place, we must accept the existence of a large territorial part of the British Empire in America, and so far forth must admit that Great Britain is an American power in the same sense that we are an Asiatic power. The annexation of Canada, which has been predicted by many keen-sighted men for a century and a quarter, now seems more distant than ever, because the Canadians are satisfied, and Great Britain desires that they should be satisfied. Next-door intimacy with Canada has always caused, and probably will continue to cause, friction and some heart-burning; the Oregon question, the San Juan question, the Alaskan boundary question, navigation of the St. Lawrence, the northeastern fisheries, the Maine boundary, transit in bond, rivalries of transcontinental railroads, tariff warfare,—all these disagreeable disputes might have been avoided if Montgomery and Arnold had taken Quebec in 1775; but they might also have been avoided if Burgoyne had taken Albany two years later. In the balance of national forces it came out that both the United States and Great Britain retained great areas of North American territory. To deny the right of Great Britain to hold Canada and Jamaica is to deny the original Monroe doctrine, which distinctly disclaims any hostility to those existing colonies.

In the fourth place, we are facing the problem of a canal from ocean to ocean, in which the country most advantaged will be the United States; whatever the likelihood that the trans-continental railroads would still compete against a water transportation through a locked canal, the necessity of piercing the isthmus is too plain to be disregarded. One cannot quarrel with the people of the United States for the intention of constructing such a canal, although it is a fair question for engineers, statesmen, and financiers whether the cheapest and best method is not the completion of the Panama route. But the canal is not simply a road from the Atlantic coast of the United States to the Pacific; it is an international benefit which the United States has no right to take upon itself, except as the representative of civilized commerce. The oceans are the property of mankind, and if we try to shut up an artificial strait between them, we may some day find the Bosporus closed to us.

The next principle must be that in American affairs, as in all affairs, the United States shall stand by its obligations. The Clay-

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ton-Bulwer treaty was ratified because it was a fair settlement of a very dangerous question; and we do not realize how many critical questions have been kept in abeyance by that treaty. The British government unnecessarily aroused the hostility of America by the insistence on territorial right through control of a puppet king of the Mosquito Indians; but all other interference in the construction of the canal has been warded off; and now that Great Britain gracefully consents to give up joint guaranty, it leaves a clear field for American ownership.

The next principle is that, if the United States is to retain its influence, *it must refrain from further annexation of Latin-American territory*. The first movement toward the annexation of any part of Nicaragua or of Central America will arouse the hostility of all the other American nations, and undo all the work of commercial conciliation. Neither the Monroe doctrine nor any other common-sense doctrine delivers our neighbors over to us for spoliation.

These are general principles upon which the "doctrine of permanent interest" must proceed, because they are right, just, and reasonable principles, but also because they lie in the nature of our international conditions. There is no longer the slightest danger of any European intervention in America; the last suggestion of such a thing was Grant's proposed joint intervention in Cuba in 1875. There is no longer any danger of establishing new European colonies in America; the Venezuelan incident, with all its unreason, revealed clearly to the rest of the world the temper of the United States on that point. There is no longer any danger of the introduction of European monarchies—and, in fact, no European monarch could teach anything about absolute government to a Latin-American dictator.

Finally, neither the Monroe doctrine nor any form of American doctrine means that the United States is to do whatever may seem good to it in America, or that its "permanent interest" involves a right to get away from inconvenient restrictions in the law of nations, as established by the practice of civilized peoples. We have too much at stake to raise unnecessary difficulties at home or abroad; we have to deal with and consider Latin-Americans, British-Americans, and American-Americans; we have to safeguard our interests in Europe, in the Pacific, and in Asia; we have to take account of the influence which this nation seems destined to exert on mankind. If there is to be in the coming century a great battle of Armageddon—once more Europe against the Huns—we can no more help taking our part with the hosts of freedom than we can help educating our children, building our churches, or main-

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taining the rights of the individual. There is no proper and permanent doctrine of foreign policy which does not recognize the United States as the great leader in all American affairs, and one of the great leaders in the affairs of mankind. There is no safe or permanent doctrine which does not recognize our sisterhood with other nations under international law. The "doctrine of permanent interest," therefore, is a doctrine of peace in America, international fellowship in the eastern hemisphere, and civilization everywhere.

ALBERT BUSHNELL HART.

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DOCUMENTS

Letters on the Nullification Movement in South Carolina, 1830–1834.

(*Second and concluding installment.*)

XXVII. JAMES H. HAMMOND TO WM. E. HAYNE.

SILVER BLUFF, 7th February 1833.

Sir,

Your Circular dated the 30th January, reached me a few days ago at Barnwell court House. My engagements have rendered it impossible to reply to it before this time. I now submit as full a statement of my progress thus far in Organising this district, as it is in my power to make, and also furnish the estimates that you desire.

I have inspected, recieved and commissioned the following companies.

Capt. Lafittes company — 65 men.
Capt Schmidst's Do — 67 "
Capt McTyeire's Do — 60 "
Capt Walker's Do — 77 "

The names of the officers and men in these companies have heretofore been forwarded to you, or will accompany this report. Capt Mc-Tyeire's list was to have been presented to me on Monday last at Barnwell, but for some reason that I have not yet learned his First Sergeant did not come to the Village. I have ordered his list to be forwarded with his bond for arms and it is probable you will find it larger than I have stated. To Capt Walker's list I have added the ages of the men as being very remarkable. With *very few* exceptions they are as capable of doing duty as any men in the district, and have specially requested to be the first ordered into service. I will not make a statement of all the volunteers that I have recieved, and an estimate of the number, that will probably be enrolled in the district. Except those already mentioned, I have not inspected any. Capt Johnston's Troop has, however, been inspected by Col. Hogg.

	Men	And will probably increase to
Capt. Lafittes company now number	65	70
Capt. Schmidst's Do " "	67	75
Capt. McTyeire's Do " "	60	60
Capt. Walker's Do " "	77	90
Capt. Lancaster's Do " "	66	80
Capt. Allen's Do " "	55	55

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Capt. Johnston's company now number	52	65
Capt. Willis Do " "	40	60
Capt. Butlers Do " "	35	60
Capt. Killingsworth's Do " "	35	60
Total.	552	675
Add probable number of Vol. from Beats not yet mustered.		175
Whole number.		850
Number of Minute men enrolled	75	100

These however must not be added to the number of Volunteers, as nearly all of them are already members of Volunteer corps, or included in the last line of estimated Volunteers. As soon as I inspect and commission the above companies, I will forward to you the names of the officers and men. In regard to the *general condition* of arms I have previously reported. I have ordered out both regiments for inspection and review and will report more particularly hereafter. I have before mentioned that there were three Corps in the District in possession of public Arms. Of one of these I am still unable to report any thing. Capt. Touchstone's company have Thirty four muskets, all in pretty good order. The arms belonging to the late Capt. Holden's company, now dissolved, I have collected at Buford's Bridge, to the number of 47. Of these 36 require only to be cleaned and some of the pans hardened. 8 are broken, but can be repaired, and 3 bursted, not worth repairing. These repairs I can have done here, at from $1 to 1.50 a gun, and unless otherwise ordered will make a contract for that purpose [in] a few days. I yet hope to collect more guns belonging to the State. If called into actual service all of them at once, the volunteers of Barnwell would require an addition to their present Arms, at least 500 stand to act effectually. In addition however to the issues which I shall herewith request, I think 200 stand with a few dozen swords and pistols will be as many as I can ask for in the present state of the Armory. These, I can deposit very securely in a room in our court House, which however is a wooden building. For the present I must beg you to furnish arms to Capt. Schmidt's, Capt. Lafitte's and Capt M^{c}Tyeire's companies. These will be necessary to keep them in heart, and induce them to uniform drill. I have furnished each of them with a copy of the bond which they are to sign and forward to you. The arms can be directed to the *Captains respectively* at the points mentioned in my report to *you* No. 1. The 200 stand had better be directed to *me* and sent by the railroad with Capt. Schmidts. Capt. Johnston desires 30 brace of pistols, and about 25 swords. For these he will forward you his bond, and they can be directed to him at Johnston's landing on Savannah River. We are very much in want of powder and lead. There is perhaps no district in the State of the same size so deficient. A few dozen of the one, and a few hundred of the other are almost indispensable. If it be deemed unsafe to forward them

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by the railroad let them be sent to Johnston's landing. As to the deposit of Arms &c at Columbia and Edgefield, I have only to say, that this district can be furnished more conveniently from Charleston than either, except a small portion of it, which will be nearer Edgefield until the rail-road is opened to the Levels.

In regard to provisions I shall be prepared. I can furnish a *few men* in the manner you require that might be depended on. Say 25.

I wish you to forward me by the middle of next week 3 dozen commissions more.—direct to Barnwell, as I shall be on Buford's Bridge on the 15 and 16th reviewing the 43d Regiment. Between this and the 1st of May or June very little corn will be sold. It is abundant on the Savannah River, but not so in other parts of the district.

Very Respectfully
Your obediant servant
JAMES H. HAMMOND

Col. Wm E. Hayne.

XXVIII. ROBERT Y. HAYNE TO FRANCIS W. PICKENS.

CHARLESTON 7th Feb. 1833.

Dear Sir

You will doubtless be curious to learn something about the Mission of Mr Leigh.[1] It is desired by Mr L. that until he communicates with the Legislature of Virginia nothing sh'd be published here. I give you the following therefore for your own information and that of our friends. The object of this Mission is *first* to prevent an immediate "appeal to force," *second* to get a suspension of our Ordinance until the end of the next session of Congress. On the first point we shall inform him that public opinion has already suspended the Ordinance until the 4th March next, and that no "appeal to force" is designed on our part unless to *repel* unlawful violence. On the second point he will be informed that the Convention will be reassembled early in March,[2] when the propositions from Virginia will be submitted, and will doubtless receive the most respectful consideration. No one is authorized to say what the Convention will do. It would be useless to convene the Convention before March as its proceedings would not be known in time to influence the decisions of Congress, and besides we ought to have our members at home and know what has been done.

This course will be satisfactory to Mr Leigh and Virginia and is one which we should in almost any event have found it necessary to pursue. Mr Leigh will probably remain in South Carolina until the Convention meets.[3]

[1] By resolutions of the general assembly of Virginia, January 26, it was resolved that mediation between South Carolina and the executive government of the United States should be undertaken; and Benjamin Watkins Leigh was sent as a commissioner for that purpose. *State Papers on Nullification*, pp. 328–331.

[2] Governor Hamilton, as its president, by proclamation of February 13, summoned it for March 11.

[3] He did so, and was invited within the bar of the Convent on and treated with much consideration.

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The tone of the public mind here is firm and excellent and things are on the whole going on as well as could be expected. The accounts from all parts of the State are most gratifying. I have just rec^{d} your letter of the 4th inst^{t} and send you a check on the Agent at Hamburgh for $1000. On receiving it you will forward me a general acknowledgment for the same, and finally when the fund is exhausted forward the vouchers for the several accounts paid. The strictest economy must be observed in all your expenditures. In relation to the legal question which you have put I would say, that *my first impression* is, 1st, that 8 companies associating *may* be rec^{d} as a Reg^{t} but if convenient two others must be secured of Light Infantry or Riflemen, 2^{d} that an existing Reg^{t} volunteering as a whole *may* be rec^{d} *as they are* with their present officers, tho' consisting of only 8 companies &c., 3^{d} I think the old Law should be the rule as to Squadrons and Regiments of Cavalry. As to Schultz's account it is inadmissible. The State cannot afford such expences. Your own contracts must of course be complied with, and perhaps something more may be done to *compromise* the affair, but to expend $40. for *Music*, when we want every cent for *Arms* is out of the question. I expect a supply of Arms to be shortly rec^{d} at Hamburgh. I shall direct them to you, you will take them to Edgefield and wait further orders.

In haste yrs truly

ROB Y. HAYNE

P. S. It is true that Vessels have been stopped by the Cutters, and after some detention they have been allowed to come up. This proceeding wants *explanation.*

XXIX. JAMES H. HAMMOND TO ROBERT Y. HAYNE.

SILVER BLUFF 7th February 1833

My Dear Sir

I returned last night from a tour of duty. I have to day drawn up a report for the Assistant Adjutant and Inspector General which contains a full account of the military Organization of the District so far as it has progressed. I think the tone of feeling and state of the Volunteer roll as well as organization will now make it politic to call out the Regiments and have accordingly done so for the 16th and 23rd of this month as you will perceive by copies of orders which I have inclosed to Col Hayne. At these reviews the strength of our cause will be pretty well exhibited. I have set down the number at 850, about two thirds of the fighting men. I hope there will be more. But these you may depend upon as staunch. The late movements in Congress have excited the people very much and if Wilkin's[1] bill becomes a law they will be prepared for anything. The decided impression now is that there will be a war and the idea appears to excite the people. The shock that was felt upon the first indications of settling our controversy with the sword

[1] The Force Bill, introduced into the Senate on January 21 by William Wilkins of Pennsylvania.

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is wearing off and there is every prospect of as much unanimity among the people on this question as any of a political character whether of war or peace that was ever proposed to them. On Saturday last I attended a muster in a neighbourhood where they have hitherto been nearly equally divided. After descanting to them freely on Wilkin's bill and Irby's Letter every individual present—the Union men among the first, volunteered. On Monday we had quite a spirited meeting at Barnwell. The Volunteer Veterans were inspected and commissioned. There are 77 on the list nearly all of whom were present. The average of their ages is within a fraction of 61 years. Five of them are 80. The majority of them are very stout and athletic and all full of spirit. They have made it a special request to be first ordered into service and they are really earnest in it. A few excepted there is not a company of the same number in the state that will be more efficient. Many of them fought through the Revolution, most of them were in service during the last war. The spectacle they exhibited was really solemn and effecting. The parade being over they were marched into the Court House followed by a great crowd and were addressed by Judge Harper, Col Preston and Col Butler. These addresses have given a new impulse to the spirit of Barnwell. Every one seemed ready to fight and all appear animated by a most thorough conviction that we are unconquerable. I am sure the difficulty with us will not be the want of men but officers and means. It will take one year at least to make our army efficient in point of discipline. The United States have greatly the advantage in this respect and no human power can remedy the defect at once. We should by all means have a military department in the college. In regard to money it is important to be looking out even now. We shall certainly have to borrow money and the moment a blow is struck negociations should be set on foot for straining our credit to the utmost, at once when it will be best. In the mean time the private resources of the Whigs should be taken into consideration. On this point I will speak for myself at once. I hold my property all of it as much at the service of the state as my life: but to calculate on something short of extremities I think I can furnish you next year with the proceeds of an hundred bales of cotton. I did think of making a large provision crop but reflecting that I was on the frontier of Georgia and flanked on all sides with Union men I thought perhaps it would be safer to plant cotton and furnish the State with the proceeds. If the seasons are ordinary I can afford to give at least one hundred bales without depriving myself of the means of meeting the contingent expenses of my official situation. For this I will take the States certificate or no certificate if the times require it. If it should be preferred I would cheerfully turn over to the service of the State from the time the first movement is made all my efficient male force to be employed in ditching, fortifying, building as pioneers &c. Of course not to bear arms which would be dangerous policy not to be justified only by the greatest extremities. But as I said before the difficulty will not be want of men for any service. I feel very

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uneasy about the state of our finances and although I would not hesitate in our course one moment if there were not a dollar in the treasury still it is prudent [to husband?] and if possible augment our resources to meet the crisis. I trust no resort will be made now at least to increase taxation the people would not bear it whatever our descendants may have to do.

I know you are too much occupied to write to your aids fully of your views of the state of affairs, but I feel the importance of not being wholly ignorant of them. The private opinions and purposes of the Whigs of Charleston are anxiously sought for by the people of the interior of all classes. Yet so far as I know they are a profound mystery to every one. How would it do to have short hand bill address[es] struck off at every new [turn] of affairs explaining succinctly and [clearly] the current state [of] events to be circulated through the medium of the old associations? I can say for Barnwell that such a thing would have the happiest effect. The people have a rabid appetite for information and it should be afforded in some way that they can confide in. All that is wanting to make them precisely what they should be is light, and in these times every spark has its effect.

XXX. Robert Y. Hayne to Francis W. Pickens.

private.

Executive Department
Charleston February 12, 1833

Sir

Your Reports and Requisitions for Arms have been received. I am truly sorry to say that the demand for Arms exceeds *five times over* the number in possession of the State. To answer these calls is therefore impossible. Our supplies come in slowly—we have no manufactories, and indeed the finances of the State would be exhausted in procuring half the number of arms that have been called for. You will see at once therefore that *a strong appeal* must be made to *the Patriotism* of the people to furnish themselves with arms and equipments so far as may be practicable and that nothing must be drawn from the Arsenals that can possibly be spared. In *the Depots* we must keep on hand the *means* of *supplying* all *defficiencies* in Arms &c. when Troops are called into the field. If 500 fire Arms were issued to day and in three months a call were made for 500 Men, 100 at least of these arms would be wanting or unfit for use. The Returns shew that there are not now ready for service in the hands of the men one half of the Arms issued within *the last two years*. Economy and sound policy both conspire therefore in requiring that we should make no issues that can possibly be avoided, but must *husband our resources* for a time of need. You must therefore *turn out*, and induce the Volunteers in your District to brush up such arms as they have got, and to supply themselves as far as they can. At all events when a call is made let them repair to their place of rendezvous with *the best they can bring* and inform them that every effort on my part will be made to have those who may be called out well supplied. In the mean

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time it may be necessary that some small issues should be made to keep the Volunteers in heart. Estimating our present means I will divide among the Districts such number of Muskets, Rifles, Pistols and swords as can be spared and of these you will make the best use in your power. No man should have more than one Pistol, the other may be furnished when he is called out. Of Cartouch boxes and belts we have so few and they are procured with such difficulty that your men must try and supply themselves or provide some substitute. Having made these explanations I annex a Statement of what has been done or can be done now for your District and I confidently rely on your making the best of it.[1]

I am very Respectfully
Your ob. Serv[t]
ROB. Y. HAYNE

N. B. If you have not yet bought powder, do not. I can send you a supply from Savannah. The "Palmetto Standards" can be painted here for $60 each. Can you afford to *buy* them at that rate? The State cannot furnish.

The following articles have been ordered to be forwarded to Hamburgh to the Mess[rs] Walker for you. You will take charge of them when they arrive, and in consultation with Col Wardlaw determine how they can best be disposed of in Abbeville and Edgefield so as to encourage the volunteers and at the same time enable us to count on them when called for.

The articles are

100 Artillery Swords	Report what number (if any) of these articles you have already rec[d].
100 Cavalry Sabres	
100 P[r] Pistols	
52 P[r] Holsters	
* 369 Muskets	
80 Rifles	
80 Powder Flasks	

10 Reams Cartridge Paper (Let Cartridges be made).

300 Waist Cartouch Boxes. These [will] be sent as soon as belts can be fixed to them. I propose to send considerable additional supplies of Arms to Hamburgh as soon as they can be procured—not to be issued but *to be kept in the Depots*—distributed say between Edgefield, Abbeville, Columbia and perhaps Barnwell, as Hammond, Wardlaw, Butler and yourself shall advise. For any emergency 100 firearms at a Depot are worth 130 in the hands of the men, because the men who come first into the field get them, and every one counts. Remember this in your distributions.

* *Give out* no more of these than may be indispensible.

R. Y. H.

Col. F. W. Pickens.

[1] To this point the manuscript is in a clerk's handwriting and apparently constitutes a uniform circular to aides-de-camp.

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XXXI. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON, Feb 12, 1833

I have ordered 360 Muskets and 300 Cartouch boxes (such as we have) to be forwarded to Col Pickens at Hamburgh, care of A. and G. Walker. Of these you may have 100 for the use of Barnwell Dist. Go and see Pickens and arrange the matter with him, and let him get down a supply of Lead and Powder from Abbeville and let you have what you may want. I shall order also to be sent from this place for your use

60 Rifles and Flasks,
30 Pair Pistols,
25 Swords

to Hamburgh which you will have disposed of in the best manner. Captains Schmidt, Lafitte and McTeir must be supplied out of them as far as they will go. The Com[ns] [1] shall be forwarded. These should always be sent for by some private hand.

R. Y. H.

XXXII. ROBERT Y. HAYNE TO FRANCIS W. PICKENS.

CHARLESTON 20[th] Feb. 1833.

D[r] Sir.

I have just rec[d] yours of the 10[th] and in reply would say that I would not at present wish you to purchase more powder; the 50 kegs will be enough. As to the Arms, I should be very glad that an arrangement should be made to get some through the house in Augusta of which you speak. Say to them that it is probable that the State will want large supplies, and ask them to import on their own account say 100 Muskets, and thus ascertain what they can offer them at and what further supplies can be had and at what periods. You may agree to buy there 100 provided they shall not cost more than $8 a piece, which is the highest price we have yet paid for those manufactured for the U. S. Some we have purchased as low as $3\frac{50}{100}$ and from that up to $8.—freight and mercantile profit might be added,—and the contract might be extended to a *few specimen Rifles,* Pistols, Swords and Military equipments of all kinds. It would be very advantageous to us to have a channel through which we should obtain military supplies, and it might be made an object to the merchant to have a good customer. While on these matters let the enquiries extend to Mortars say 12½ and 18 inch, shells &c. and also Cannon Powder.

In haste yrs truly

ROB Y. HAYNE

Col. F. W. Pickens

[1] Commissions.

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XXXIII. Bolling Hall to Nathaniel Macon.[1]

Ellerslie [Ga] 22 Feby 1833

My Respected friend

I have not had the pleasure to hear from you since you retired from public business; since we parted, the signs of the times are indeed portentious; by the events which have taken place, I am often reminded of your predictions of the encroachment of the general, on the State Governments. It is true I had fearful apprehensions of the prospect before us, but I relied on the intelligence and patriotism of our citizens to preserve us from the curse of a consolidated government. This reliance I cannot yet abandon, tho I must confess the signs are unpropitious. When [we] see Congress assume the right to regulate the labor of the country, to equalize the benefits of soil and climate, to tax one portion of the Community for the benefit of an other, and the people too, sanctioning those acts, and the President declare war against one of the States because she refuses to pay more taxes than sufficient to defray the constitutional expenditures of government, and her Sister States stand al of, I begin to fear that liberty and patriotism have taken their flight. When I saw the President's message at the opening of Congress, I hailed it as the harbinger of better times, but when I arrived at the recommendation of protective duties on articles *necessary in time of war*, I had my misgivings, and which were more than realized when I saw his Proclamation. This high behest sweeps from under us the protection which we anticipated, from the provisions of a federative limited government, and on its ruins is reared the hideous monster, Consolidation, restricted only by its own will. Will the high minded, intelligent patriotic Citizens of the United States submit to such usurpation and such a government? If they do, then may we exclaim in the language of the Prophet: "The Ox knoweth his owner, and the ass his master's crib, but my people will not consider!" By ambition, intrigue, and party, the old Republican party have been divided and subdivided, untill we are shorn of our strength as Sampson was of his hair, by his faithless Delilah. Our eyes have not yet been put out, tho ambition and self-interest has blinded many, who are groping in the dark, and have become the sport and scoff of their surrounding enemies. The bill reported by the judiciary Committee (which I received after commencing this letter)[2] caps the climax—that bill has the sanction of the President and will pass! Comments on this subject, addressed to you, even were I capable to do so, would be unnecessary. for years you have viewed the approach of the present crisis, and faithfully warned your fellow citizens of the dangers which awaited them. It has arrived—and we are called on to support a federative government of limited powers, or submit to an unlimited consolidated government dependent on the will of a bear majority in Congress.

[1] From the Nathaniel Macon Papers now in possession of a descendant of his, Mrs. Walter K. Martin, of Richmond, Va. Bolling Hall was a member of Congress from Georgia from 1811 to 1817.

[2] The Force Bill.

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The President and Secretary of the Treasury has told us the revenue will produce six millions of dollars more than sufficient to pay the constitutional expences of the government; thus are taxes levied, equal to 50 cents on every man, woman and child, in the U. States, for the benefit of manufactures, and to enable a majority in Congress to riot in the expenditure of the people's money. SoCarolina one of the Old Thirteen United States whose Soil has been consecrated by the blood of her revolutionary patriots, has raised the Standard of opposition to this system of injustice, oppression, and tyranny; for which the bayonets of the federal army, and the thunder of the Cannon of the Navy are to be directed against her! If the President had been as sincere, and urgent, to restore peace and harmony to a distracted discontented peopl[e], by having the taxes reduced to the legitimate wants of the government, as he is to humble SoCarolina no person doubts but his influence was Sufficient to have done so. But I will drop a further discussion on [these] subjects untill I hear from you, and I ask as a favor a full expression of your opinion on passing events.

With respect and friendship
I am yours &c

BOLLING HALL

Honble N. Macon
forward your letter to Montgomery Alabama.

XXXIV. JAMES H. HAMMOND TO WM. E. HAYNE.

SILVER BLUFF 24 Feb. 1833

Sir,

Since my last I have received from Governor Hayne his favour of the 12 inst. I had promised no arms to the Volunteers of Barnwell, except to the companies of Schmidt, Lafitte and McTyiere. These I did hope your means would have enabled me to equip completely, as they are very spirited corps, handsomely uniformed and likely to be permanent. The 100 muskets which I am authorized to get from Col. Pickens will more than supply Capt. Schmidt, while the 60 rifles will not half supply the others. Is it not possible to give me 130 rifles and flasks, and 70 muskets? In forwarding the arms to Hamburg you have sent them to the most inconvenient place possible upon the river. Those for Capt. M^{c}Tyiere will have to be transported back precisely half way to Charleston, and those to Capt. Lafitte I shall send down the river just half way to Savannah. The Steamboats are constantly in the habit of landing articles along the river and it would have saved 20 miles nearly of land carriage to have had them set down even here at Silver Bluff. Lafitte lives at Matthews Bluff and M^{c}Tyieres first Lieutenant at Midway. Let me request of you never to forward any thing for this district to Hamburg wh. is 5 miles further off than Augusta unless you cross the river twice. It would be more convenient for me to receive them at the door of the Arsenal in Charleston, and less expensive to the State.

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It is in vain to make an appeal to the patriotism of more than one man in fifty for the purchase of arms. Such as they have, the people of Barnwell will use and use well, but they are too poor to buy. Whenever they are called into regular service the State must expect to arm them, if they are to act efficiently. They may skirmish in the woods and harrass invaders with their shotguns, but they cannot stand a moment in the field before a regular force properly equipped.

I have now the honour to submit something like a full report of the Volunteers of Barnwell. I ordered a review of the 43 Regiment at Buford's Bridge on Saturday the 16. There was a pretty good turn out. Gen[l] Erwin reviewed and addressed them. The whole regiment volunteered, but about 70. Of these all pledged themselves to defend the State when invaded by *any foe*, except 19. I estimate the Volunteers of this Regiment at 550. I ordered a review of the 11 Regiment at Ashley's Yesterday. About 150 refused to Volunteer. All of these however pledged themselves to defend the state against *any foe*, except 15. I estimate the Volunteers of this Regiment at 375. In all Barnwell has volunteered 925 men. I think I may now safely say that she will furnish a thousand in the event of war. I am happy also to state that on the 4[th] of March we shall be thoroughly Organized. You will see by the copy of an order enclosed that an election for Col., L[t] Col. and Major will take place next Saturday and that I have divided the district into Battalions. On the same day two companies will elect officers, including wh. I shall then have organized and officered—one company of Calvalry, Two of riflemen, and nine of infantry. I have inspected most of them and so soon as I am furnished with commissions to commission them will send you the Officers names.

I collected at Beauford's Bridge 51 stand of public arms in wretched order and wanting repairs. I contracted with Mr Jacob R. Mayer to put them in complete order for $60. To carry them to his shop and back will cost $8 more. As soon as repaired I will distribute them or send them to the Court House if you wish. Capt. Tindall's company was probably dissolved last Saturday. I ordered him to have his arms boxed up and sent to Charleston to you, if the expected dissolution took place. As soon as repaired I shall expect them sent back. You have rec[d] several bonds for arms—will you send them back to me or how?

Your most Obedient Serv[t]

JAMES H HAMMOND

XXXV. GENERAL ORDERS.

Head-Quarters,

CHARLESTON, 27th February, 1833

It having been represented to the Commander in Chief, that Companies to which Public Arms have at various periods been delivered, have in many cases been dissolved, and that many of the Public Arms

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are now in the hands of persons who have become possessed of them, without lawful authority, or have given no acknowledgments for the same: It is hereby Ordered that all such Arms be forthwith returned to such Officers as may be appointed to receive them. No person can be permitted to receive or retain Public Arms, but members of regularly commissioned Troops or Companies who may have givem, or shall give when required, *acknowledgments* for the same in proper form. Should any person who may be liable under this order to return Public Arms refuse or neglect so to do, such neglect or refusal, with the name of the party, will be forthwith reported to the Commander in Chief, that such measures may be taken as the law directs.

By order of the Commander in Chief.

WM: ED: HAYNE.

Ass^{t} Adj. and Insp. General.

[To this printed circular is added in manuscript, in the copy sent to Col. Hammond, the following note.]

I am directed to transmit the above with extra Copies to be signed by you, which you will so extend as to effect the object in view. A Fresh supply of Books having been received you can now be furnished from Columbia or Charleston. The Bonds for Arms which have been not been supplied will be retained until you come here when they will be delivered up to you.

XXXVI. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON March 6th 1833

Dear Sir

I shall leave Charleston tomorrow for Columbia where I shall remain during the sitting of the Convention[1] and probably longer. All official communications must be addressed to me at that place.

The passage of Clay's Bill according to the general opinion here will settle our controversy with the General Government for the present. Still we must not relax our efforts until we see what course the Convention will take.

I am very respectfully

Y^{r} Ob^{t} Sv^{t}

ROB. Y. HAYNE

Col. J. H. Hammond.

P. S. If you do not propose to be in Columbia at an earlier day, I should be glad to see you there on Monday, the 18th inst.

XXXVII. JAMES H. HAMMOND TO WM. E. HAYNE.

SILVER BLUFF 7th March 1833

Sir

I received yours of the 27th ult enclosing orders which I have executed already. There were but two volunteer companies in Barnwell that

[1] The second session of the convention was to begin on March 11.

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have been dissolved. The arms of one of them as already stated are at the shop of Mr J. R. Maher. Those of the other have been all collected except one which was stolen by a runaway negro as you will see by an affidavit that will be forwarded. The arms you will receive soon. A bond was given for them by Capt John McTyeire to the Abbeville Arsenal Keeper some years ago which he requests you will have returned to him as soon as you receive the arms. This is but just and I trust you will not forget it. I went to Hamburg a week or ten days ago and found everything ordered for this district except the muskets. I directed Messrs Walker to send them all down to the Bluff by a Steam Boat from whence I intended to transport them to the Court House. I have heard nothing of them since and have delayed giving the arsenal Keeper a receipt for them until they arrive here. I have seen Col Pickens who says that he expects to receive a supply of powder and lead from Charleston and that I had better get what I want from you. Thus you refer me to Pickens and he refers me to you. I want about a dozen Kegs of powder and 1000 lb of lead from some quarter or other.

On Saturday last we had an Election for officers to command our Regiment. Sampson H. Butler was elected Colonel and G. I. Trotti and G. A. Sweat Majors. Upon casting lots the Leut Colonelcy fell to the former. There are Thirteen large companies in the Regiment. Address the Col and Leut Col at Barnwell, The Majors at Lower 3 Runs P. O. Address Capt McTyeire at ——

Very respectfully
Yours.

P. S. Be good enough to forward to me Care of Col Butler at Barnwell about 30 Books which I think will supply the Volunteer Regiment.

XXXVIII. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

Executive Office
CHARLESTON 29 Mar 1833

Dear Sir

The arsenal Keeper has been directed to forward to you through Messrs Boyce and Henry 12 Kegs of Gunpowder and 500 Pounds of Lead, which when recd you will duly acknowledge.

Respectfully your obt Servt
ROB. Y. HAYNE

Col: J. H. HAMMOND
Barnwell C. H.

XXXIX. WM. E. HAYNE TO JAMES H. HAMMOND.

CHARLESTON April 1st 1833

Sir,

It being desirable that the whole number of Volunteers shall be known and the Rolls completed you will as soon as possible after the receipt of this order Report to the Asst Adj. and Insp. Gen. in this place:

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1st. The whole Number of Volunteers in your District organized and unorganized.

2d. The Number of Regiments, Battalions, Squadrons and Companies duly organized and the Names of such Officers as have not been *already* reported.

3d. How soon the Organization of the remainder will be compleated and what number and description of Corps they will form.

4th. How many and what description of Arms if *any* have been distributed among the Volunteers.

5th. Any general Remarks or information you may think proper to furnish.

By Order of the Commander in Chief.

WM : ED : HAYNE,
Ass.t Adj. and Insp. General.

N. B. Should there be any contracts or accounts against the State in your District they must be promptly brought to a close and the accounts rendered.

XL. JAMES H. HAMMOND TO ROBERT Y. HAYNE.

SILVER BLUFF 3.d April 1833

Dear Sir,

I returned last night from Barnwell where I rec.d your letter informing me that you had placed 12 Kegs powder and 500 lbs. lead with Boyce, H.[1] and Walter for me. I got from Col Pickens 89 lbs. musket balls. Can you supply me with a set of bullet moulds for muskets? The Troop that I spoke to you about has been formed. There are 40 regular members and they will get 12 honorary ones to meet the requisition of the law. Can you give them any thing besides spurs? A troop is not a troop without equipments, and you know that suitable swords and pistols cannot be procured by individuals. If you can spare 40 sabres I think they would be well disposed of to this company and would probably satisfy them for the present. They are a very spirited set of men and a little encouragement will make them staunch forever. The Company is formed in a part of the country where the Union Party has preponderated and this furnishes an additional reason for giving them some encouragement.

Upon consulting with the Officers of the Regiment we have come to the conclusion to have our Review in May say the 11 or 18 whichever will suit you best. It has been postponed so long in consequence of the resignation of Col Butler our Colonel. I have ordered a new election for the 13 inst. and a month will probably be requisite for equipping the Colonel and his staff. Be good enough to drop me a line as soon as convenient on this point, and in reference to the arms of the troop.

I have nothing of general importance to communicate. The spirit of our people I do not think flags a great deal, and I believe there will not be any difficulty in keeping them alive to the importance of Military

[1] Henry.

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preparation as well as political energy until a more thorough revolution in our favour is effected. The press must keep up its tone and a few well written essays suitable to the times are called for. The effect of them abroad however should be considered as well as that at home.

Your General Orders have been rec^{d} and forwarded. I had not enough copies and should like to have a dozen more if you could send them by a private hand.

Very respectfully
Your Obt Serv^{t}
JAMES H. HAMMOND

P. S.

I wish you would order the Rifles sent from this District to be mended to be sent back again with flasks, as soon as they are finished, either to Capt John M^{c}Tyeire at Medway or myself at Silver Bluff.

XLI. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON 4th April 1833

Dear Sir

You will see by the Papers that the Volunteers here have been reviewed and a Standard presented to them in behalf of *The State*. Whenever the Volunteers may be disposed to assemble in Numbers not less than a Regiment, I should be disposed to pay them the same Compliment. But you must not understand that they will be ordered out for this purpose. My desire would be to conform to their wishes on this subject, if made known to me.

Very Respectfully,
Yours
ROB^{t}. Y. HAYNE

Col J. H. Hammond

XLII. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON 8th April 1833.

Dear Sir.

I rec^{d} yours of the 3^{d} yesterday and have this day issued orders to have 40 Sabres and Belts (and the Bullet Moulds if on hand) forwarded to you through M^{r} Boyce. If Pistols are found *indispensable*, I may send you 20 Pair, and also the Spurs. If I am to Review in Barnwell this Spring, the earlier in May the better. You must consult Pickens, and let me have your joint views. Gun Rifles shall be sent back with Flasks as you request — but they have not yet come to hand.

In haste yours truly
ROB. Y. HAYNE

Col. J. H. Hammond.

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XLIII. JAMES H. HAMMOND TO ROBERT Y. HAYNE.

SILVER BLUFF 22 April 1833

Dear Sir

Having been elected on the 13 inst. Colonel of the Barnwell Volunteer Regiment I beg leave to tender you my Commission of Aid de Camp which you did me the honor to confer upon me. It has not been my wish to withdraw from your Military family, but the Volunteers having chosen me for their Commander without my solicitation and under the circumstances which I detailed to you in Columbia it is out of my power to refuse their appointment. It will afford me the greatest pleasure in the situation to which I have been transferred to co-operate with you in effecting any Military purpose in this District or else where and you may rest assured of my prompt and zealous attention to your commands.

According to the directions contained in yours of the 8 inst I wrote to Col. Pickens. he informs me that he cannot be prepared for a Review before the 19 or 20 May, and requests me to put off mine until the 17 or 18. To suit his convenience and what I suppose will be yours I have accordingly ordered a review as Colonel of the Regiment and not as Aid for the 18 of May. I have informed the men that you will be up and present them with a standard. I trust we shall have a large turn out. At the review I will present you with such papers relating to my past duties in the District as may be necessary for you to have or will be useful to my successor.

P. S. I have promised Capt Graham his Sabres at the Review. They have not yet arrived here.

XLIV. JAMES H. HAMMOND TO WM. E. HAYNE.

SILVER BLUFF 22 April 1833

Sir

In answer to your question contained in your letter of 11th April inst I report

1. That according to my first estimate there were Nine Hundred and Twenty five Volunteers in Barnwell District. There may have been a few added to the lists since. Of these about Eight Hundred and seventy five or nine hundred are Organised. The remainder are in squads too far distant from points of concentration to be organized.

2. We have one Regiment, two Battalion, ten Infantry Companies, two Horse and two Rifle Co. The names of the Regimental officers are as following. James H. Hammond Colonel, G. I. Trotti Leut-Col, G. B. Sweat Major, William Duncan Adjutant, Infantry Captains J. F. Schmidt, S. H. Butler, Leroy Allen, Jeremiah Minor, Jesse Lancaster, Robert Willis Jr., John Walker, Ulmer, Miller and B. O'Bannon. Rifle —John McTyiere and D. M. Laffitte. Calvalry Richard Johnson and L. C. Graham. The names of the Subaltern officers I cannot give. At a

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review which is to take place on the 18 of May I can if it is desired obtain the names of all the officers and men.

3. Already answered.

4. I have delivered and taken bonds for seventy five Muskets, Catouch boxes bayonets and bayonet belts, Thirty Rifles and Flasks, Thirty pair of pistols, Twenty five Sabres and 3000 percussion caps. I have on hand Thirty Rifles and flasks, Fifty one Muskets and forty eight bayonets. I am informed by the Governor that Twelve Kegs of powder, 500 lb of lead and forty Sabres and belts have been left for me in the hands of my factor in Charleston. My Factor writes me that he believes they were forwarded to me by the Governors private Secretary. The Boat in which they were to come left articles for me at my landing but none of those nor do I know any thing more of them.

5. I have no remarks to make of any consequence. I have some little accounts against the State for expressing arms and hauling them which I will present to the Governor at the Review. They will not exceed $100.

Respectfully
Your

XLV. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON 24th April 1833.

Dr Sir.

I learn from Col. Pickens that you cannot have your Volunteers ready for Review before the 18th. As the weather will then be very warm and oppressive to the troops I should prefer a postponement of the Review to the fall. Pray give the proper notice.

In haste yrs truly,
ROB. Y. HAYNE

Col Hammond

XLVI. JAMES H. HAMMOND TO ROBERT Y. HAYNE.

SILVER BLUFF 4th May 1833

Dear Sir

I received your letter of the 24 ult desiring a postponement of our Review until the fall. I forwarded it to my Adjutant at Barnwell with orders to countermand accordingly. I have just received a letter from him stating that it is the earnest desire of all the officers whom he has seen to have a regimental muster at all events and that he has delayed countermanding the first orders to hear from me again. I shall immediately write him that if it is the general wish to have the Regiment out even if you do not attend, that I shall not object, but will attend myself. I make these explanations that when you learn there has been a Review you may understand how it was. You will not be expected up, but if it will suit your convenience we would esteem your presence a high compliment. I am sorry there should have been any difficulty about the matter

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any way. I put off the review from the 11th [to] the 18th purely to oblige Col Pickens and would have had it a week sooner if I had thought it material to you. we could have paraded to day very well.

Some time ago you informed that the 4 sashes and Belt were ordered for Capt. Graham. I immediately wrote to him and promised to have them at the Review. I have heard nothing of them since. I will be much obliged to you to direct them to be forwarded immediately to me at this place or to be delivered to Boyce and Co. without delay.

Very respectfully
Your obt. servt
JAMES H HAMMOND

XLVII. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON 7th May 1833.

Dr. Sir.

I have just recd yours of the 4th inst. I leave here tomorrow to Review the Beaufort Volunteers on the 10th My business will not permit me to lose so much time as to remain in the country between the 10th and 18th and tho' very anxious to see the Barnwell Volunteers I must forego that pleasure. I have a Standard, however, ready for you. Mr Wm Ed. Hayne is instructed to forward it to you by the Rail Road or other safe conveyance of which he will give you due notice. Present it to the Brave Volunteers of Barnwell in my name as Chief Magistrate of the State, and say, that I have the fullest confidence that if called upon to unfurl it in defence of our rights—they will bear it in triumph or be buried beneath its folds. Return them my thanks and make this gift acceptable to those who I well know are worthy of it.

Very truly yours,
ROB. Y. HAYNE.

P. S. Capt Graham's Sabres have been ordered and I presume sent. I shall direct the proper inquiries to be made and if practicable they shall be forwarded by the day of Review.

May 7 1833

The above were sent by the Steamer Augusta to the care of A and G Walker, Hamburgh, and no doubt have been received before this. I have concluded to send the Flag by the Stage to Barnwell C. H. I cannot have it properly packed before tomorrow. As soon as it [is] sent I will drop you a line.

WM: ED: HAYNE
May 8. 1833.

XLVIII. WM. E. HAYNE TO JAMES H. HAMMOND.

CHARLESTON May 10th 1833

Dear Sir,

The Flag neatly packed in a Box and the Staff were this morning sent by the Stage directed to yourself to the Care of Col. S. H. But-

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ler, Barnwell Court House. I directed the Fare to be paid and gave particular Charges to Mr Lumpkin, one of the Contractors, respecting it. I have written to Colo Butler, upon receiving it, to open the box and unfurl the Flag so as to air it, for having been lately painted it may not be perfectly dry. It requires nothing but being attached to the Staff which can be done in five minutes. I trust there will be no disappointment respecting it.

Very Respectfully
Your friend and ob Servt.
Wm: Ed: Hayne
Asst Adj. and Insp. Genl

XLIX. James H. Hammond to Wm. E. Hayne.

Silver Bluff 30th May 1833

Dear Sir

Having resigned my commission as Aid de Camp to the commander in Chief, I inclose you the Bonds of Captains McTyeire, Schmidt, Laffitte and Johnson for arms delivered to them by me. I have had a room fitted up in the Court House, where I have now, undistributed Fifty two muskets, forty eight bayonets, which I reserved from the Beaufort Bridge Company and had repaired and transported to the Court House. The powder and lead is probably on the way from Hamburg to Barnwell and with them Captain Grahams Swords. By this time you have received the Rifles sent down by Capt McTyeire to be repaired. When repaired the Governor has promised that they shall be returned and it is absolutely necessary they should and that as early as possible. I wish you to divide them and send one half to Capt John McTyeire, Midway, and the other half to Capt D. M. Laffitte, Mathews Bluff. There cannot be the slightest difficulty in doing this as private persons are every day receiving supplies at both places. It will save a world of trouble to all concerned here and at least three fourths of the expense. I will get the bonds. Be good enough to forward the Bond given by Capt McTyeire originally for these arms to him at Duncansville and also all the bonds lately transmitted to Charleston from this District to be filled up for the arms for which the inclosed were given. I send you also a receipt for all the money I have expended in this District for which I consider the state properly accountable. You will perceive that the items for transportation from Hamburg are large. Of this you will recollect I gave you the proper intimation beforehand. You will oblige me by calling on my factors Boyce Henry and Walton and settling the amount of the receipts.

I will want both books and commissions for my Regiment. I will thank you to forward me a dozen of each addressed to William M. Duncan my adjutant at Barnwell C. H. as soon as convenient.

The flag was received and presented.

Yours

Col Wm. Hayne

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L. WM. E. HAYNE TO JAMES H. HAMMOND.

CHARLESTON June 22d 1833

Dear Sir

A few days since I sent by the Stage addressed to you to the Care of Wm. M. Duncan, Barnwell Court House, a Package containing Four Copies of Hoyts Cavalry Tactics, Twelve Copies of Infantry Tactics, Twelve Blank Military Commissions and the several Bonds that had been sent here and the Arms not delivered. The Arsenal Keeper reports that he has not yet received the Rifles which you say Capt M^{c}Tyeire has forwarded to be repaired. whenever received and repaired they will be attended to. The Arsenal Keeper says he cannot find among his papers any Bond given by Capt M^{c}Tyeire for the above Rifles.

The amount of the accounts forwarded has been paid to your agents Boyce, Henry and Walter.

Very respectfully

WM : ED : HAYNE.

Ass^{t} Adj. and Insp. Gen^{l}

I presume that Isaac[1] has informed you that I am a Candidate for Treasurer of the lower Division at the next Session and has requested your influence and particularly with the Members of [the] District.

LI. ANDREW JACKSON TO NATHANIEL MACON.[2]

WASHINGTON Sept. 2nd 1833

Dear Sir

I am glad to find, by your letter of August 26th that the position taken by me, against secession, is the only point of my proclamation, which you condemn. Others have assumed, without specifying in what particulars, that the principles of that paper are in opposition to those which distinguished the republican party during the era of Mr. Jefferson's administration. You have been frank spirited, but the grounds of objection pointed out in your letter to me so far from making a departure from the recognized doctrines of the republican party of that period, is a practical illustration of them. You do not hesitate to admit that the measures recommended by Mr. Jefferson to enforce the embargo in the contemplated case of resistance by Massachusetts, and for which you voted, were the same in principle, with those recently adopted to give effect to the revenue laws in South Carolina: but you tell me that "Mr. Jefferson and yourself may have done wrong, in the very hot times in which you acted." Allow me to say, my dear Sir, that I think you do great injustice to the motives, which actuated yourself and Mr. Jefferson and the Republican party of those times to which you allude. you doubtless consider

[1] Isaac Hayne. South Carolina still had two treasurers, one for the upper country and one for the lower country.

[2] From the Nathaniel Macon Papers now in possession of a descendant, Mrs. Walter K. Martin, of Richmond, Va.

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the Union worthless, unless the laws could be enforced; and after great forbearance and due consideration, the deliberate but reluctant resolution was taken "*to provide for calling forth the militia to execute the laws of the Union*," if a case of obstruction should arise within the contemplation of this clause of the constitution. Under circumstances of still greater emergency than those under which Mr. Jefferson acted (when the ordinance had actually passed nullifying the revenue laws), I felt it my duty to act with still greater moderation, than his pacific character had dictated on the former occasion. I first warned and appealed to the affections, to the patriotism of my fellow citizens of the South. I exerted my influence to remove the causes employed to excite discontent among them. When troops were enrolled and actually paraded and trained, with the avowed design to prevent the collection of the revenue after a given day, I still sought to avoid the unhappy collision, by recommending the removal of the Custom houses beyond the jurisdiction of each of the States threatening to oppose by force the collection of the revenue, and in the last and worst event, proposed the use of force only to defend the public officers from actual violence, when engaged in the discharge of their official duties. The measures of expostulation and concession in the first instance, of preparation and discussion in the last, which the wisdom of Congress instanced, I am happy to believe have had the best effects in securing peace and stability to the Union.

I think you state too broadly your maxim, that "*the government of the United States and of the States are governments of opinion and not of power*," or I should rather say, you apply it improperly, as taking all sanction from the laws. I consider all free Governments, governments of opinion, but should hold ours no government at all, if there were no laws to give effect to the public opinion. We live under a government of laws—laws emanating from the public will, but if there were no means of enforcing public opinion, when embodied in a public law, it would be neither *a government of opinion or force*.

You tell me that a state cannot commit treason. This is true but it does not follow that all the citizens of a state may not commit treason against the United States. "Treason against the United States shall consist in levying war against them, etc." The State authorities of no one State have a right to repeal this clause of the constitution, which all the people in each state *severally*, concurred in establishing. If, therefore, South Carolina had authorised byenactments of a convention, or of her State Legislature, the citizens of the state to levy war upon the United States it would have been nevertheless *treason*, in all who should have acted under such authority. The authority itself would have been in violation of "the supreme law of the land," which the people of South Carolina, with their own consent have bound themselves to obey "*anything in the constitution or laws of any State to the contrary notwithstanding.*" Your remark that force applied to a State Government "*is not hinted at in the Constitution of the United States, because a state cannot commit treason*" and that "*it goes on the ground*, that every state will

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perform its duty" is I think met by the passage of the constitution to which I have pointed, as well as its whole tenor. "The constitution of the United States and the laws made in pursuance of it" would never have been declared "the supreme law of the land" with direct and immediate power over individual citizens in every state, "the laws and constitution of any state to the contrary notwithstanding," if the experience under the articles of confederation had not shown that *every state* would not perform its duty.

If however as you imagine none of the States gave up the right to secede, then indeed, the establishment of a general Government, *a* "*supreme* law of the land," by a solemn compact among the people of the several States respectively, was entirely a nugatory act. There would, then, be no obligation in the constitution or the laws of the United States, but what is still made dependent upon the mere pleasure of the state authorities; and our system would present the absurdity of establishing a general government, with the consent of the people in each of the states, having a paramount power, "the constitution and laws of any state to the contrary notwithstanding" and nevertheless ensuring to each and every one of the States, the right to overthrow by a state law, or a clause in a state constitution, the supreme law of the land!! or in other words to set it aside by secession!!

In my opinion, the admission of the right of secession is a virtual dissolution of the Union. If it were [an] established principle in any community, that laws are only to have such obligation as each individual might choose in his good pleasure to allow, such society (if society were possible in this state of the case) would be without laws or government. So of the States. If the Federal Government and its laws are to be deprived of all authority in a state by its mere declaration *that it secedes*, the Union and all its attributes depend upon the breath of every faction, which may obtain a momentary ascendency in any one state of the Confederacy. To insist, that secession is a reserved right, is to insist, that each state reserves the right to put an end to the Government established for the benefit of all and that there are no common obligations among the States. I hold the states expressly gave up the right to secede, when they entered into the compact binding them in articles of "perpetual union," and more especially when the present constitution was adopted to establish "a more perfect union" equally binding as to duration. That more perfect union consists in the "supreme law of the land" which the Government of the United States is empowered to maintain *within its proper sphere* independently of the States Government, and whether they pass a law or constitutional provision of secession or not, because it is still to be the supreme law of the land "*anything in the constitution or law of any state to the contrary notwithstanding.*" The only right of secession from a government and more particularly from a government founded upon mutual concessions, and obligations among the members forming it, is the revolutionary right—secession can never take place without revolution; and I trust, if it ever should happen that one

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section of the union is subjected to *intolerable oppression* or *injustice* by another, and *no relief* can be obtained through the operation of public opinion upon the constituted authorities, that the right may be as successfully conducted by the wronged and oppressed against our present government, as it was against that which we threw off by the revolution which established it.

I send you herewith the proclamation, the report from the Department by which it was seconded, and the law passed consummating them. I hope you will receive them as an earnest of the high respect I bear you; and if on comparing them, you find the principles I have advanced and the measures I have recommended, the same in effect, with those which were proclaimed and carried out by Mr. Jefferson, yourself and other fathers of the school of 1798, I hope you will do me the justice to believe, that we follow precedents of such high authority and which have been sanctioned by almost universal approbation of the country from that time to this. I was altogether unconscious, that they were fraught with the dangerous tendencies, imputed in your published letter to Mr. Corson.

I beg you to believe that nothing but a wish to vindicate my conduct and consistency to one whose character I so highly esteem—whose probity and pure patriotism gives weight to his most casual opinion—could have induced me to intrude on your retirement [*mutilated*], which the publication of your letter invited.

With the kindest feelings and best wishes for your contentment and happiness in your last days,

I am Dr Sir
Yours respectfully
ANDREW JACKSON.

The Hon^ble^
Nathaniel Macon.

LII. WM. E. HAYNE TO JAMES H. HAMMOND.

CHARLESTON Oct. 5th 1833

Dear Sir,

I have never yet received a full Return of the Number of Volunteers in Barnwell District nor the Manner in which they are organized. I have received the names of the Field Officers of the Regiment of Volunteers, but I have no information of the number of Companies of which it is composed, the number of men in each Company or even the number of men in the Regiment. What companies of Volunteers within the District are not attached to the Regiment? if any what numbers are they composed of? The Governor wishes to make a Report upon the Subject to the Legislature; to enable him to do so, will you furnish me with the necessary information respecting the Volunteers of your District. I have from you several *Estimates* of the whole number but you have never made a regular return. The Governor is now absent on the Re-

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view of the Volunteers in some of the upper District and will return about the 20th of next Mo.

Very Respectfully, Yr Mo obt
WM: ED: HAYNE,
Ass.t Adj. and Insp. Gen.l

LIII. JAMES H. HAMMOND TO WM. E. HAYNE.[1]

SILVERTON 25 Oct 1833

Dear Sir

I am sorry that it is not in my power to furnish the Governor with any accurate statement of the volunteers of this district. I forwarded to you all the lists I could obtain. This District is so large and heretofore there has been so little system in military matters that I never could get complete lists. I should have done so in a few weeks had not peace been declared, after which it was impossible. from what I have seen of them, and [I] have seen nearly all and counted, though many were added after my personal inspection, I think the following as near a correct statement as can be now obtained.

1st Battalion.		Capt. O Bannon	35	Capt. Ulmer	100
Capt. Schmidt	70	Capt Walker	80	Miller	30
" Butler	60		270		115
" Lancaster	90		385		245
" Willis	45	*2d Battalion*		*Rifle Corps*	
	270	Capt Allen	65	Capt McTyiere	65
Calvary		Miner	50	Lafitte	70
Capt. Johnson	70		115		135
" Grahams	45	First Batt.	385	In all organized	880
	115	Second Do.	245	Unorganized	70
		Riflemen	135	Total—950	
		Cavalry	115		
			880		

This is as nearly as correct as any thing that can possibly be obtained. The companies below the legal number were the remains of the old beat companies who chose to volunteer as beats and I accepted them as such. In the hope that this statement, which is the best I can make, will prove sufficient for the Governor's purpose ——

LIV. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON 31st March 1834.

Dear Sir.

I have rec.d your letter, but my absence from the City has prevented me from answering it. Indeed, the developments which are

[1] From a draft in a clerk's hand.

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daily taking place, leaves our proper course so uncertain that it is difficult to decide upon it at present.[1] Do the Union leaders really mean to create a civil War? or what do they mean? When we see clearly what they intend to do, our course will be plain. In the mean time, I think all our proceedings should be marked with moderation and forbearance. No taunting, no abuse, and when we speak of their misdeeds let it be "more in sorrow than in anger." The case *made up* between Col. Hunt, and Lieut. M^c^Credie, is going on here before the appeal Court. If the decision is against them (as I think it will be) I believe no doubt they will appeal to the Supreme Court at Washington and try to involve the State in a new contest with the Fed^l^ Gov^t^ under whose wings they seem determined to take refuge. If the true object of all the excitement, is to organize and rally the Union party for the October elections, as soon as that purpose shall be indicated, our Bugle call must be sounded, and the State Rights party be rallied for the contest, and no effort omitted to secure such a triumph as shall put an end to the contest forever. Should this take place, I think some plan must be devised to prevent a struggle between Elmore[2] and yourself, and in the mean time, let the contest be conducted in good temper and with mutual forbearance. I saw Elmore here, and impressed the necessity of this upon him.

I have only time to add that I am
respectfully and truly yours,

ROB. Y. HAYNE

Col. J. H. Hammond

[1] The legal case to which allusion is made in this letter is that of The State *ex relatione* Edward McCrady *vs.* B. F. Hunt, Col. 16th Regt. S. C. Militia, followed soon after by the similar case of The State *ex relatione* James M'Daniel *vs.* Thomas M'Meekin, Brig. Gen. 6th Brigade S. C. Militia. Both are fully reported in *The Book of Allegiance; or a Report of the Arguments of Counsel and Opinions of the Court of Appeals of South Carolina, on the Oath of Allegiance*, Columbia, 1834, and also in II. Hill. The Legislature, in December, 1833, had passed a new militia law, in which it was provided that every officer of the militia should, before entering on the duties of his office, take and subscribe an oath that he would "be faithful, and true allegiance bear, to the State of South Carolina." Edward McCrady (See No. XIV. of these papers, pp. 749–751 of Vol. VI.) was a prominent member of the Union party. On February 28, 1834, he was elected lieutenant of the Washington Light Infantry of Charleston, and applied for his commission. Col. Hunt, the commanding officer of the regiment, tendered him the oath. This he refused, and applied to Justice Bay for a rule, to show cause why a writ of mandamus should not issue, commanding Col. Hunt to deliver him his commission. Justice Bay dismissed the motion. The relator appealed. His case, and that of M'Daniel, were argued before the Court of Appeals, which rendered its decision on May 24, 1834. The two judges who belonged to the Union party, John Belton O'Neall and David Johnson, declared the section of the Militia Act relating to oaths unconstitutional and void, chiefly on the ground of inconsistency with the Federal Constitution. Judge William Harper dissented. The results were, first, violent popular dissatisfaction with the court; second, the passage of an amendment to the constitution of 1790, requiring of all officers an oath of allegiance to South Carolina; thirdly, in December, 1835, the abolition of the court. See O'Neall's *Bench and Bar of South Carolina*, I. 273, 275, 281.

[2] Franklin H. Elmore. Hammond was elected to Congress, and served from December, 1835, to February, 1836. He then resigned, and Elmore was elected in his place.

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LV. ROBERT Y. HAYNE TO FRANCIS W. PICKENS.

CHARLESTON 4th April 1834.

My Dr Sir

My friend I. W. Hayne tells me there is a Report in the Country that I have written to Gen Thompson[1] "that the execution of the Militia Law should be suspended till the meeting of the Legislature—as experience had proved that it was unwise" &c. I trust you know me too well to suppose I could have written such a letter. On the contrary I have given instructions to Gen. Thompson and others *to proceed regularly in the organization*, until he shall be *actually obstructed* in doing so, and then to report the nature and character of the *obstruction*, and so far from reporting that he has been obstructed his last report states that he is progressing regularly, nor have I any reason to believe that either Shelton or himself will have any difficulty in the organization, tho' I think it probable the Union officers elected will refuse to take the oath. I have enjoined on Thompson, *as on all others*, a *forbearing course*, so as to give *no excuse* to our opponents for any violent conduct on their part, and thus to deprive them of all public sympathy. This I have no doubt is our true policy. The decision of the Court will be against them, and how then can they stand up in the face of an intelligent and patriotic community and deny their duty to the Country which protects their persons and their property. Their leaders may mean to create a civil War, but if we pursue a wise, firm and prudent course and have our usual good fortune they will not be able to carry their party with them.

I am my D. Sir sincerely Yours

ROB. Y. HAYNE

Col Pickens

LVI. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

(Private) CHARLESTON 20th May 1834

Dear Sir

I have just received a letter from a highly respectable Gentleman in Abbeville District inclosing the following document which he states was obtained by Messrs Tullis and Cobb, Gentlemen in whose intelligence and veracity full reliance may be placed, from the person charged with the delivery of it to Capt Teague. My object in sending you this document is, that you may cause diligent enquiry to be made within the limits of your command on the subject to which it relates and give me the result at an early day.

I am very Respectfully

Your obt Svt

ROB. Y. HAYNE

Col. Hammond

[1] Waddy Thompson, afterward Member of Congress and minister to Mexico.

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[ENCLOSURE].

ABBEVILLE 17 Ap[l] 1834.

CAPT TEAGUE

Dear Sir

The committee of Five have assigned the Five Divisions of this State. this District is included in the Division assigned to Col Rob[t] Cunningham,[1] who has written to me to urge an immediate and active organization of the Regiments of this District. You will please therefore make the return for the company you command and send to me without the least delay. You and your subaltern officers constitute the company committee. I have drawn a form for your guide.

Respectfully

THO[s] P. SPIERIN.

N. B. Confine your report to the Union men alone.

LVII. ROBERT Y. HAYNE TO FRANCIS W. PICKENS.

CHARLESTON 10[th] June 1834.

Dear Sir

I have maturely considered the question of a call of the Legislature, —and have received the counsel of our friends from all parts of the State, and of a portion of our Members of Congress. The question is one of great delicacy and difficulty, and concerning which I find there exists much difference of opinion. On the one hand the outrage[2] is so monstrous, that the failure to meet it promptly and decisively, may have a depressing effect; but on the other hand there is much danger of rash action under the impulse of popular excitement. We should ask ourselves, "if the Legislature is now called what *can* they do?—what ought they to do? what will they do, or attempt to do"? They *cannot* call a Convention, amend the Constitution, impeach or remove the Judges, nor do any act which requires a vote of 2/3rds.[3] This I have *ascertained* beyond a reasonable doubt. If any of these things should be attempted therefore, (as would probably be the case) the attempt would fail, which might be fatal to us. The Legislature then could do nothing more than *express* opinions, and *amend the Militia Law* in conformity with the decision, unless they should remodel the Court so as to have the decision reversed. This last act would, I think, be extremely hazardous, while the amendment of the Constitution was pending before the people,—and I know it would produce a scism in the party. Yet any thing short of this would be doing nothing, for it would be worse than useless to attempt to legislate with a partizan Court ready to arrest your Laws. As the

[1] A prominent member of the Union party, for whom see O'Neall's *Bench and Bar of South Carolina*, II. 395–401.

[2] *Viz.*, the decision of the Court of Appeals.

[3] Under the constitution of 1790, amendments to the constitution required a two-thirds vote of both houses in two successive legislatures.

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Legislature can do nothing effectual at present, except what it would not be expedient to do, or even to attempt, I think there is nothing to be gained by an extra call, while it would be attended with some risk of dissentions among ourselves, and injury to our cause from rash measures. The delay of a few months, if we can in the mean time secure the amendment of the Constitution, will give us invincible strength. The moderation thus displayed, the decisive expression of public opinion at the polls, followed up by the adoption of the Constitutional amendment settling in South Carolina the question of Allegiance forever, will give us a moral power against which the Judges can not stand up. You may do in December with a new Legislature, what it would be fatal to attempt in July with the old one. On reading the decision I think we can get along with the Militia until the Legislature meets. The only risk in the course I have marked out is its falling short of public expectation, and thereby paralyzing the energies of the party. This must be avoided by public meetings and addresses, a revival of the Associations and all the means heretofore found so successful. Besides I cannot think that the party will be found wanting when the crowning victory is to be won. If the Governor shall be considered as having erred in not giving vent to the indignant feelings of the party, by an immediate call of the Legislature, the blame can be thrown upon him, without impairing the spirit of the party, who will know that he goes out of office in December next, and even if he were so disposed could present no further obstacles in their way. On the whole, not to dwell on minor considerations, tho' I am aware that my course will to some extent disappoint the party, and may expose my popularity and influence to hazard, yet I am fully convinced, that it is our true policy, not to have an extra session of the Legislature at this time, but to make up our final issue with our opponents at the polls in October,and to leave to a new Legislature coming fresh from the people, and supported as I trust they will be, by an amendment of the Constitution, to adopt the proper measures for a reform of the Judiciary and for establishing the Sovereignty of the State on the surest foundations; and when all this shall be done if there should be any portion of our Citizens, mad enough to raise their voices against their country, I trust we shall know how to deal with them.

I am Dear Sir with great
respect and esteem yours truly
ROB. Y. HAYNE.

P. S. Calhoun, Preston, Hamilton, McDuffie, and most of our leading friends with whom I have consulted concur generally in these views.
R. Y. H.

Col. Pickens.

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History, Prophecy and the Monuments; or, Israel Among the Nations. By JAMES FREDERICK MCCURDY, Ph.D., LL.D., Professor of Oriental Languages in University College, Toronto. Vol. III., completing the work. (New York: The Macmillan Co. 1901. Pp. xxi, 470.)

THE present volume follows the general lines laid down in the preceding parts of the work; see the REVIEW for January, 1897 (II., 327). The period treated extends from B. C. 639 (the accession of Josiah, King of Judah) to B. C. 539 (the capture of Babylon by Cyrus), just one century. But this century contains a great array of important events and persons; and the extent of the ground that the author undertakes to cover will be evident from the titles of the chapters. Book IX. ("Hebrews and Egyptians") describes the political conditions under Josiah, the Deuteronomic reform, Hebrew literature down to Deuteronomy, religion and morals during the same period, the actual working of the Josian reform, and the Egyptian dominion in Palestine; Book X. ("Hebrews and Chaldeans") Babylon and Nebuchadrezzar, the silence of prophecy during the Deuteronomic reform, the political relations between Judah and the Chaldeans, the attitude of Jeremiah and that of Habakkuk toward the Chaldeans, Ezekiel in exile, the fall of Jerusalem, the survivors in Palestine and Egypt, and the exiles in Babylonia; Book XI. ("Hebrews, Chaldeans and Persians") morals and religion in the exile, the literature of the exile, the Chaldean dominion, Cyrus and the Persians, Cyrus as king of Babylon, prophetic ideals (and the character of Cyrus). Professor McCurdy thus gives a survey of the whole history, political, social, literary, moral and religious; and, as the double title of his work indicates, his plan is to illustrate the political history from the cuneiform monuments, to discover the ethical and religious history in the writings of the prophets, and to define the debt that Israel owed to its neighbors. A general view of this sort is useful, and Professor McCurdy has arranged and expounded his material with clearness and force. His narrative is illumined throughout by references to general principles; he endeavors to keep in mind the fact that the Hebrew development proceeded according to the same laws that are recognizable in the history of other peoples. He has genuine sympathy with the great nations, Assyrians, Babylonians, Persians, who had so much to do with moulding the moral and religious as well as the social life of the Hebrews. He describes Nebuchadrezzar in his true character as a wise and humane ruler and a man of broad and earnest piety, not less virtu-

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ous and devoted than the Judean Josiah and only less great than Cyrus. His portraiture of Cyrus is equally noteworthy; he puts him, along with Alexander and Caesar, in the group of the three men who determined the history of the ancient western world. It is a delicate task to fix the spheres of influence of race, environment and circumstance; but Professor McCurdy shows discrimination in his attempt to point out how the Israelite genius, while pursuing its own path, seized on and assimilated those elements of Assyrian and Babylonian culture which it found itself able to use. The problems here are numerous; what was the effect of the Assyrian domination of the seventh century (the time of King Manasseh) on the cultic and theistic ideas of the Judean masses and of their leaders? How far was the Hebrew theory of life modified by Babylonian ideas during the exile? To these and similar questions no categorical answer can be given, but they are discussed by our author with good judgment and in an excellent spirit. Among other things he gives an admirable account of the Babylonian organization of commerce. The Babylonians were the creators of business life in western Asia and of those virtues which commonly accompany this life. Up to the exile the Israelites had been agriculturalists and not traders; after the exile they developed that business capacity that has characterized them ever since. Was this change due to Babylonian influence? Doubtless this had its effect, though other factors came into play. The occupation and the condition of the exiles in Babylonia are carefully studied by Professor McCurdy; an excellent description is given of the methods of agriculture and the character of slavery in the Tigris-Euphrates valley, according to the latest discoveries. Other points treated are the figures of the two great prophets, Jeremiah and Ezekiel, and the religious and political ideals of the seer known as the Second Isaiah (Isa. xl.–lxvi. according to Professor McCurdy—more accurately xl.–lv.); the educative function of the Hebrew priesthood; the character of the so-called false prophets; the value of the judgments of the true prophets respecting individual persons who were opposed to them; the modifications in the ethical practice of the Hebrews induced by the changes in their social and political fortunes.

With so wide a range of investigation a full treatment of particular topics is impossible; the value of Professor McCurdy's work lies precisely in the fact that it gives a total view of the history. His statements are doubtless based on wider research, particularly in certain points; but some of his positions appear to me not to be in accordance with known facts. Omitting minor details I would call attention to certain doubtful or undesirable statements, with the hope that these may be modified in a future edition of this excellent work. In a number of cases there is a disposition to decide a point on insufficient evidence (a *non liquet* is often hard for historians); an example is found on page 403 where, after mentioning a couple of explanations respecting Astyages the Mede, the author adds: "Until fuller light is given we should decide for the former alternative." Would it not be better to decline to decide? The chrono-

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logical table at the end of the book begins too boldly with the date B. C. 7000; the details of the period 7000–4000 are given as if they were history instead of general inference, and the date 3800 for Sargon I. cannot be said to be of the nature of historical verity. Similarly the assumed conquest of Elam by Persia or Persis about B. C. 595 (p. 239) is not yet known to be a fact. The statement (p. 428) that Cyrus was a Zoroastrian is open to grave doubts. The history of Zoroastrianism in the sixth century B. C. is involved in obscurity, but the one thing clear from the cuneiform inscriptions relating to Cyrus is that he was frankly a polytheist, attaching himself as heartily to the Babylonian Marduk as he apparently did to the Hebrew Yahweh. Professor McCurdy's whole account of the Mazdean religion (p. 397) is lacking in perspective and needs restating. Turning to the Old Testament it may be said that a wide consensus of critics now places the book of Job not in the exile (p. 380), but a century or two later—a date that is important for the history of Hebrew thought. A similar remark must be made respecting the date of the "Servant of Yahweh" poems (especially Isa. liii.), which do not easily fit into the exilian period. An excellent general account of the history of the Sabbath is given on page 376, but it should begin with the statement that the day was probably originally a taboo day, gradually developed by Babylonians and Hebrews into a pivotal institution. It is hardly correct to say (p. 103) that the Southern Kingdom was religiously superior to the Northern—rather is the contrary the fact; the religious significance of Judah begins about the time that Samaria fell.

C. H. Toy.

Greek Thinkers. A History of Ancient Philosophy. By Theodor Gomperz, Professor at the University of Vienna, and member of the Imperial Academy. Authorized Edition. Translated by Laurie Magnus, M.A., Magdalen College, Oxford. (New York: Charles Scribner's Sons. 1901. Pp. viii, 410.)

Those who follow the literature of philosophy in Germany have for several years been familiar with the first volume of Professor Gomperz's *Griechische Denker*, a good translation of which is here offered to English readers. The work is not limited to the traditional lines of the history of philosophy, but aims to present a more general and complete picture of the "mind of antiquity" than can be offered in a severely technical account of Greek philosophy. It therefore makes appeal to that wider circle of readers who desire to understand the significance of philosophical thought for the culture and civilization of a people. This purpose is also served by the marked literary quality of the author's style and the relegation of the numerous references and notes to the end of the volume. The treatment is everywhere full of life, and not infrequently sparkles with brilliant statements and *aperçus*.

The work is not altogether without the defects of its qualities. In the endeavor to render the picture of every thinker concrete and life-

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like, Professor Gomperz sometimes writes in a way which might easily mislead the non-professional reader. As an illustration may be cited his account of Pythagoras. He has indeed warned us that "it is hard to rescue the prototype from the flood of tradition which increases in volume the further it is removed from the source." But he proceeds to speak of the elements of "Pythagorism" as "compressed by the force of one great genius into the limits of a system," and to represent Pythagoras as himself performing the experiment with the monochord. We are hardly warranted, I think, in regarding all the elements of "Pythagorism" as known to Pythagoras, or in affirming that he ever performed a single scientific experiment.

How far the work transcends the limits of the usual treatment of Greek philosophy may be seen from the fact that two chapters are devoted to the historians and one to the physicians of Greece. It is this wide outlook over religion, literature, and the special sciences, which perhaps constitutes its chief claim to the attention of the student or teacher of philosophy as well as to that of the general reader. It is a good example of the way in which philosophy may be rescued from mere *graue Theorie*.

Space forbids an adequate criticism of the work in detail. One of the most noteworthy departures from the commonly accepted view is his treatment of the *homo-mensura* tenet of Protagoras. Professor Gomperz rejects altogether the current interpretation of individual subjectivism. According to his view of the meaning of Protagoras, man in the generic, not in the particular, meaning of the term is the measure of all things. Protagoras was, he admits, a staunch defender of sense perception, and a relativist in that he recognized that all cognition is limited by the nature of man's powers. Accepting Plato's account in the *Protagoras* as giving the substantive features of the great sophist's teaching, he considers the references to him in the *Theaetetus* to be the result of a frank historical "fiction" on the part of Plato—a fiction, moreover, of which Plato has not failed to give the reader numerous hints. The interpretation of the teachings of Gorgias also raises numerous questions. Is it so certain that Gorgias possessed any serious metaphysical interest? May not his famous theses have been propounded as a brilliant illustration of his ready mastery of the subtleties of dialectic? It may be added that the author's view of the sophists is favorable, approximating to that of Grote.

The remaining volumes—two in number—will be awaited with much interest.

WALTER GOODNOW EVERETT.

A History of Rome for High Schools and Academies. By GEORGE WILLIS BOTSFORD, PH.D. (New York: The Macmillan Co. 1901. Pp. xiv, 396.)

IN its scope, this work embraces somewhat more than is ordinarily comprised in school text-books of Roman history. It not merely covers the record of events down to the dismemberment and fall of the Western

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Empire, but includes also an account of the succeeding Germanic kingdoms of southern and central Europe that form the connecting link between Rome and modern civilization. The author's purpose, as he tells his readers, has been not only to present a sketch of Rome's rise, expansion, and organization, but also of "the transformation of the ancient pagan empire of Rome into the medieval Christian empire of the Germans. The narrative, accordingly, extends from the earliest times to Charlemagne."

For the execution of the task he has set himself, Dr. Botsford has an unusually good equipment. With the thorough training of the classical philologist he combines sound historic sense and excellent historic method. Moreover, he is master of a clear, accurate and attractive prose style. This equipment he has utilized to the full in conscientious fashion. Almost every page of the book gives evidence of careful study of the discussions and views of other historical writers, as well as familiarity with the sources on which our knowledge of Roman antiquity ultimately rests. Frequent quotations from these sources, such as Livy, Polybius, Appian, Plutarch, the *Monumentum Ancyranum* are skilfully interwoven in the narrative.

The assured results of the various tributary disciplines of philology, epigraphy, archæology, mythology, etc., are naturally familiar to Dr. Botsford and are amply recognized. Thus the Aryan home is no longer put in central Asia, as by many recent writers, but in eastern Europe, where the researches of comparative philologists have located it with great probability. A gratifying independence of authority, also, is to be noted. As a result of researches which warrant the expression of his own opinion, Dr. Botsford rejects the theory, so tenaciously held by Mommsen, that the *concilium plebis* was essentially different from the *comitia tributa*. Similarly in his judgment of Tiberius and Domitian he ascribes to these emperors elements of character and administrative capacity which, though doubtless just, are not generally conceded.

The book, as a whole, can hardly fail to prove a helpful and even inspiring manual of instruction, alike to pupil and teacher. Its author not only has grasped the heart of Roman life and institutions, but he also sees the relation of Roman to other civilizations—its setting in the history of the world as a whole.

Admirable illustrations, maps, full bibliographies, and chronological tables accompany the volume, while the typography and press-work give evidence that the "printer's art" still has a clear title to this appellation.

CHARLES E. BENNETT.

The Story of Rome. By NORWOOD YOUNG. Illustrated by NELLY ERICHSEN. (London: J. M. Dent and Co. 1901. Pp. 403.)

THIS neat little volume, containing the story of Rome, adds one more to the long list of books which have recently appeared on the subject. Yet its author has not performed a superfluous task. He gives a brief

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sketch of some of the most important ancient remains including recent discoveries of interest and he describes some of the buildings of medieval Rome. An appendix contains some practical suggestions to the traveller, such as an itinerary, a list of books, and objects of interest to be seen in the churches. The main purpose of the book is to give the historical setting so necessary to make intelligible the many objects of interest in the eternal city. Though the scope and purpose of the book is so large, yet the task has on the whole been well performed. The volume is comparatively small, but the impression left upon the mind is not so vague as that produced by the more elaborate work of Mr. Crawford, *Ave Roma Immortalis*.

While we fully recognize the attractiveness and usefulness of the book, we sometimes miss the accuracy of statement and the impartiality of the trained historian. The history of the church of Rome is here told by one who appears rather as a bitter opponent than as a calm historian able to appreciate one of the greatest products of human genius. His antagonism to the Roman church shapes and colors his general historical views. He does not regard the middle age as ended and the modern period as fully ushered in till the Pope was deprived of his temporal power in 1870 (p. 187). The long exploded error that the eloquence of Peter the Hermit was largely instrumental in bringing about the First Crusade is here repeated (p. 203), and too, the theory that this world was expected to come to an end in the year 1000 is stated as an undoubted fact although it was conclusively disproved by the Benedictine François Plaine so long ago as 1873. (*Revue des Questions Historiques*, XXIII. Paris.)

This volume which is one of a series of "Mediæval Towns," is most attractive in its outward form and appearance and is an excellent illustration of the modern book-maker's art. Its pleasing effect is enhanced by the numerous illustrations of genuine artistic merit. We are glad to see woodcuts of admirable workmanship taking the place of the comparatively harsh photogravure. Though the latter may reproduce its original with greater exactness of detail, yet the woodcut as here executed brings more vividly before us the poetic atmosphere of medieval Rome.

ALBERT GRANGER HARKNESS.

The Classical Heritage of the Middle Ages. By HENRY OSBORN TAYLOR. (New York: The Columbia University Press; The Macmillan Company. 1901. Pp. xv, 400.)

IT is now five years since there came from the press Mr. Taylor's two-volume work on *Ancient Ideals*. It was, in its own words, "a study of intellectual and spiritual growth from early times to the establishment of Christianity," and professed itself "an attempt to treat human development from the standpoint of the ideals of the different races, as these ideals disclose themselves in the art and literature, in the philosophy and religion, and in the conduct and political fortunes of each race." To this learned and thoughtful, if somewhat ambitious, work the present

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volume—appearing as the fourth of the "Columbia University Studies in Literature"—is clearly a sequel. Its subject, better stated in preface than in title, is "the transition from the Classical to the Mediæval," and its aim "to follow the changes undergone by classic thought, letters and art, on their way to form part of the intellectual development of the Middle Ages, and to show how pagan tastes and ideals gave place to the ideals of Christianity and to Christian sentiments." The period chiefly dealt with is that from the fourth to the seventh century, and the discussion confines itself mainly to the west of Europe.

The plan of the book is direct and simple. A short introduction makes clear its order of treatment and well summarizes its conclusions. Successive chapters deal with "the passing of the antique man," with such phases of pagan decadence as the decline of literary art and taste, and with those elements of the antique culture which through education and law passed intact to the younger civilization. Then, handling with comparative brevity those pagan ideals of conduct and worship, of knowledge, beauty and love, which were Christianized in their transmission to the Middle Ages, the author devotes the larger half of his volume to those newer forms of culture which he counts essentially Christian—to monasticism, the new Christian system of life, to Christian prose, to Christian poetry, and to Christian art.

Few themes have proved of such perennial interest to us moderns as this of the Christianization of culture; and none, surely, has more clearly mirrored the prepossessions of its historians. To the rational eighteenth century Gibbon pictured it as "the triumph of barbarism and religion." The Reaction glorified it in the rhapsodies of Chateaubriand and the Catholic romanticism of Montalembert and Ozanam. Reviving rationalism and a broader religious sympathy painted once more its darker side in the brilliant pages of Mr. Lecky and the relentless ones of Heinrich von Eicken, or by the seductive pen of a Renan, a Hatch, a Gaston Boissier, made more clear the debt to the older civilizations. Romantic anti-paganism has found in Godefroid Kurth a modern champion as learned and hardly less eloquent. And meanwhile a host of more special students, delving in the antiquities of society, of education, of literature, of art—a Friedländer, an Ebert, a De Rossi, and their younger fellows—have been bringing to light ever fresh sources of knowledge or more learnedly and impartially sifting the old.

In this literature of the newer scholarship Mr. Taylor has read widely and well; and there is much to show that he has not been content to take its testimony merely at second hand. His conclusions have an air of conviction and much flavor of personal independence; and his point of view is clearly his own. The transition from the Ancient World to the Middle Ages, he tells us, "was a process of spiritual change, during which antique characteristics gradually ceased and were replaced by much that was incipiently mediæval. . . . Self-control, measure, limit, proportion, clarity, and definiteness were principles of the antique; the Christian spirit broke through them all. Its profound spirituality, often

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turning to mysticism, had not the clarity of classic limitation. It did not recognize limit. Its reach was infinite, and therefore its expressions were often affected with indefiniteness. Classic self-control meant measure, nothing in excess. Christian self-control soon came to mean the exclusion of a part of life; of what it condemned it could not have too little, of what it approved it could not have enough. . . . The art and literature of the transition centuries present a conflict . . . between the new spirit of Christianity, with its inspirations, its infinite reaches and its requirements of expression, and the antique culture, its tastes and aversions, and its definite literary and artistic rules and forms. . . . The spiritual liberation distinguishing the transition through which the antique ceased and the mediæval began was a liberation from the inherent limits of self-reliance, and consequently from the limitations of that freedom which is established in human strength and the rational balancing of mortal considerations. It was a liberation resting upon the power of God. The human spirit, responding to the new Christ-awakened sense of the infinite and awful power of God's love, became conscious of the measureless reaches of the soul created for eternal life by an infinite and eternally loving God. The soul was lifted out of its finitude to the infinite which is its nature and its home." Such (somewhat garbled, I admit, in this attempt to abridge it) is the central thought which the book seeks to demonstrate and illustrate. By it the author explains not only the advent of mysticism and of dogma, the spiritualizing of beauty and of love, the rise of the monastic life, but the dissolution of Latin prose, the triumph of accent and rhyme in verse, the evolution of Gothic architecture, the birth of realism in sculpture and in painting. Such a point of view makes Mr. Taylor's study of medieval life and art singularly sympathetic and often illuminating; but it may be doubted whether it is uninfluenced by preconceptions, and whether to minds less vigorously Christian or more rigorously scientific it may not stamp his book as belonging rather to the literature of speculation than to that of research.

Mr. Taylor's style has been abundantly illustrated. It seldom sinks to clumsiness and not infrequently rises to eloquence. The legal training which stands him in such happy stead in his treatment of the Roman law betrays itself less pleasingly in certain turns of phrase, as in his pronominal use of "the same." His matter is, in the main, well thought through, though here and there, as in the long chapters on literature, there is a slight suggestion of weariness. Petty slips are rare. Ekkehard should not be made "abbot" of St. Gall, nor "Carmina Burana" a name for Goliardic songs in general instead of the title of a single collection. More vexatious are the errors of the printer, which especially disfigure the useful bibliographical appendix. It is in these and in the over-inking which blurs sundry pages that the book is least worthy of a university press.

GEORGE LINCOLN BURR.

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Annals of Politics and Culture (1492–1899). By G. P. Gooch, M.A. With an Introductory Note by Lord Acton. (Cambridge: University Press. 1901. Pp. 530.)

This work is a compilation of historical facts, belonging to that type of reference-book of which Ploetz's *Epitome of Universal History*, Heilprin's *Historical Reference Book*, and Hassall's *European History* are good specimens. The selection before us is chronologically arranged; the left-hand pages contain salient matters of "politics," classified by countries; the right-hand pages are devoted to "culture," and the facts are assigned to such headings as Science, Philosophy, French Literature, English Church, Economics, Education, etc. One appendix is given to bibliography, another to tables of monarchs and rulers, and there is a full index. The industry of the compiler is shown in the vast number of statements, which in the main refer to the important phenomena in the respective countries and topics. Not infrequently in introducing a certain name he has offered a summarized account of its later history; such useful summaries appear under the heads, Ivan III., Drake, Akbar, Abbas, Sully, Siberia, and similar names.

The value of such a reference-book obviously depends on its accuracy and sense of proportion. In neither respect is this work above criticism. The author has prefixed a list of errata, a list capable of expansion. For Sterben (p. 262) read Steuben. Eugéne (p. 320) should be Eugène. Gen. McLellan and President Mackinley are unfamiliar to Americans. There are more essential inaccuracies, particularly in United States affairs. John Smith can hardly be described as making the settlement at Jamestown. The Ordinance of 1787 did not "create" five states. Tippecanoe was fought in 1811, not in 1810. Missouri was admitted in 1821, not in 1820. Gold was discovered in California in 1848, not in 1847. Texas seceded February 1, 1861, not in January. Chancellorsville was in May, not April, 1863. Not Sheridan but Rosecrans commanded at Stone River (p. 406). Lincoln did not abolish slavery. Silver was demonetized in 1873, not in 1871. The Tweed Ring are wrongly described as the "governors of New York." The *Century Dictionary* was published in 1889–1891. In reference to the Presidents the compiler is rather unfortunate. Jefferson was elected in 1801, not in 1800. Van Buren was not chosen Secretary of State in 1828. The election of Hayes was not decided until 1877. Cleveland became president for the second time in 1893, not in 1892. On pages 458 and 460 the part of Congress in legislation is ignored. There are noticeable omissions in the war of 1812.

Nor does Europe altogether escape. The last Yorkist was executed not in 1499, but in 1541. Wolsey became legate in 1518, not in 1517 (p. 18). In 1557 at St. Quentin the Spaniards were victorious, not defeated. Not Joseph but Archduke John was beaten at Hohenlinden in 1800. Napoleon III. did not declare war July 17, 1870; his council decided on war in the night of July 14, and war was declared against

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Prussia July 19. An egregious blunder is made farther on, p. 420; Bazaine capitulated October 27, not September 23, and the number of prisoners is understated.

The literary selections display a startling appearance towards the close. Apparently the principal work in English literature for several years was *King Solomon's Mines*. In American literature since the Civil War the actual list is as follows: Artemus Ward, Hay's poems, James's *Americans*, Howells's *Modern Instance*, Mark Twain's *Tramp Abroad*, Sheldon's *In His Steps*, and *Mr. Dooley*. It is to be feared that the sense of insecurity induced by these and similar vagaries of omission, selection, and accuracy, may outweigh even Lord Acton's commendatory note of introduction.

EDMUND K. ALDEN.

Saint Louis. By FREDERICK PERRY, M.A., Fellow of All Souls' College, Oxford. [Heroes of the Nations Series.] (New York: G. P. Putnam's Sons. 1901. Pp. viii, 303.)

THE reign of Louis IX. is of particular interest because of the coincident territorial growth and institutional development of France. But unless the proportions of the reign are exaggerated and the personality of the king endowed with a halo, which the sober-suited historian is not necessitated to observe, the reign offers few points of interest for the popular reader. St. Louis did not have the qualities that are considered typical of a hero. In view of the limitation of his subject, Mr. Perry has done well. He has written an accurate, though somewhat arid account of the reign of the King, and has carefully refrained from introducing any controversial element, even with the opportunities afforded by the Albigensian Crusade and Charles of Anjou. The judgment which probably will be challenged most is that Henry II. ever hoped "to overwhelm and swallow up his brother at Paris." Stubbs disavows such intention on his part. It is unfortunate, though perhaps it is necessary considering the "heroic" character of the series, that so much space (101 pp.) had to be devoted to Louis's crusades. It is a pity, too, that the young reader will not be able to carry away with him a more definite idea of the nature of the feudal régime. The stock anecdotes are reported, of course, as that of Enguerrand de Coucy. But a careful study of Beugnot's *Essai sur les Institutions de St. Louis*, if no other similar work, would have done much to have enlivened the pages. Mr. Perry is aware of the omission for he says: "It would not be within the scope of the present work to examine at length, or with an exact inquiry into details, the constitution of government in France during this period, its nature, changes, and development; to trace the steps by which royal authority was increased; to follow the growth of the King's courts, the spread of the King's justice, and the extension of his administrative powers." In view of Langlois's pronounced success in this very particular, however, in his *Saint Louis* (Bibliothèque des Écoles et des

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Familles), the omission hardly seems to be justified. There is a slip of the pen on p. 68 where Brittany is referred to as a duchy although its ruler is correctly styled count. There are typographical errors in lines 4 and 17 on page v. The map would be better if the royal domain were distinguished from vassal territory; and it is impossible to study the geography of the Albigensian crusade. Beziers, Albi and Nismes are not indicated.

JAMES WESTFALL THOMPSON.

Oliver Cromwell and the Rule of the Puritans in England. By CHARLES FIRTH, M.A., Balliol College, Oxford. [Heroes of the Nations.] (New York and London: G. P. Putnam's Sons. 1900. Pp. xiii, 496.)

So many successful and even brilliant lives of Cromwell have been written of late years that Carlyle, could he revisit us, would cheerfully withdraw his tirade against Dryasdust, whose labors in this field only served to obscure his hero with "circumambient inanity and insanity." Among the best of these successful lives is the present volume by Mr. Firth. It is not only attractively written, but it is the product of rare scholarship and full knowledge. It is based in part on the author's extended article contributed in 1888 to the *Dictionary of National Biography*. Approximately the first half of the book follows that article closely, a testimonial to the solidity of the earlier work, but the author has expanded it and provided his subject with a proper background by weaving into his narrative a concise history of the period. This is a very great improvement, since Cromwell is one of those characters whose life is an epitome of the history of his time and cannot be understood apart from it. In the latter part of the book, the author breaks away from his article and treats his subject still more broadly. Mr. Firth has given proof in his published writings of a knowledge of various parts of this period which is little less than microscopic. It is a pleasure to observe that such knowledge is not incompatible with breadth of view. His generalizations are so concise, so accurate and so luminous that the book offers, as its title indicates, an adequate brief history of the period. Indeed, those who insist upon the very latest results of historical investigation will prefer it to any other. The chapters on Ireland and Cromwell's Parliaments are the best short accounts that we have of these subjects. The subsequent appearance of Mr. Gardiner's new volume gives us an opportunity to test parts of them by a very severe standard. They stand the test admirably. There is a chapter on Presbyterian and Independent and another on Cromwell's Colonial Policy which will be welcomed by teachers of American history for the use of their students. There are numerous illustrations and maps, two of which, the battle plans of Marston Moor and Dunbar, differ materially from those hitherto accepted. They are the results of investigations which Mr. Firth has described elsewhere.

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The book has, however, one defect from the standpoint of the historical student. It is one of a popular series of biographies, and the plan of the series forbids the use of footnotes and references. Abundant references are given in Mr. Firth's article in the *Dictionary of National Biography* and the two may be used to supplement each other, though at the cost of some convenience. The publishers would have done better to have allowed Mr. Firth more latitude, for this is not an ordinary popular volume. It is a model of what a brief biography should be, and it fills a gap in serious historical literature. The biographies by Mr. Frederic Harrison and Mr. Morley are brilliant and suggestive, but not authoritative, while the elaborately illustrated one by Mr. Gardiner is far too expensive for general use. Mr. Gardiner suggests that we shall have the standard life of Cromwell when Mr. Firth undertakes to write one of two or three times the length of the present volume, unhampered by the restrictions of a popular series. It is to be hoped that a word from such an eminent source will not pass unheeded. In the meantime, the present volume will be generally accepted as the standard one of moderate cost and compass.

GUERNSEY JONES.

History of the Commonwealth and Protectorate, 1649–1660. By SAMUEL RAWSON GARDINER, M.A. Vol. III., 1654–1656. (London, New York and Bombay: Longmans, Green and Co. 1901. Pp. xix, 513.)

THE latest volume of this monumental work covers the years 1654–1656. Mr. Gardiner considers this the most important period for the proper understanding of the Protectorate. "The story of these two years," he says, "reveals to us the real character of the Protectorate, as no other part of its history can do. Up to the meeting of Parliament in 1654, all was expectation and conjecture. After the meeting of Parliament in 1656, affairs, no doubt, developed themselves in various directions, but the lines of their development were already laid down in the course of the period under survey in the present volume." A glance at the contents will show this to be true, for the narrative reaches the most important point of the four very important topics, Cromwell's relations with his Parliaments, his domestic policy, his treatment of Ireland and his relations with foreign states.

Mr. Gardiner has said in another connection that the Parliament of 1654 is the important one for the correct understanding of Cromwell's parliamentary difficulties. If his attitude in this case is grasped clearly our perplexity in the case of the succeeding Parliaments will disappear. We have all been disturbed by the incongruity of regarding Cromwell as a champion of liberty, which we are prone to identify with parliamentary rule, when he disposed of Parliaments in a more summary manner than Charles I. ever dared to do, and was confronted with the same arguments that were used against Wentworth, applied with little

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change and almost equal force. Probably few members of the Parliament that recently voted the statue of Cromwell which stands under the shadow of Westminster Hall could justify their vote on constitutional grounds. Indeed, it is doubtful if anyone perfectly understood Cromwell's attitude toward parliamentary rule before the appearance of the present volume. Mr. Gardiner's solution of the puzzle is as clear as could be desired, and is likely to prove final.

Cromwell was no doctrinaire parliamentarian who believed that the majority has the inalienable right to its opinions, however erroneous. To him "the very end of Magistracie" was "the suppressing of vice and the encouragement of vertue," and if the nation was in the wrong it should be coerced for its own good. He cared more for the ideals of Puritanism than for any constitutional question whatever. Yet he was practical enough and parliamentary enough to see that the success of the Puritan cause depended upon its speedy establishment upon a parliamentary basis, and he spared no pains to bring this about. It appears that in 1654 he was not struggling against parliamentary rule as we understand it, but merely against the unrestricted rule of one House. His experience with the Rump Parliament and the Nominated Parliament was decisive and needed no repetition. He was afraid, with reason, that the Parliament, "unchecked by constitutional restrictions or by fear of the constituencies," would first make itself permanent and then endanger the best interests of Puritanism. To prevent this, he insisted upon the acceptance of four "fundamentals," which testify to his insight as well as to his moderation; for "his four fundamentals have been accepted by the nation, and are at this day as firmly rooted in its conscience as Parliamentary supremacy itself." According to this view, there is nothing incongruous in the position of Cromwell's statue. He was merely "insisting on conditions without which Parliamentary government is a vain show." Mr. Gardiner makes it clear that the dispute was not one which could be avoided by tactful management, as Green and others have asserted. It was not a dispute over the abstract question as to whether the Parliament might revise the Instrument of Government, for the Protector had expressly invited a vote upon it. The essential point at issue was the control of the army. Upon this point there could be no compromise. It was easy to insist, as Cromwell did, that the control should be divided between Protector and Parliament, but it was difficult if not impossible to devise a practical scheme for the division. It would be found in the end that either the Protector or the Parliament had usurped the control. At the present time, such a division is possible because there is an appeal in the last resort to the nation. At that time, an appeal was not possible, for "the nation or even the intellectually active part of it had not been educated in political thought. There were hundreds who could discourse on the true Constitution of the Church, and who could expansively utter their opinions on the craggiest points of divinity, for one who could say anything worth listening to on the Constitution of the State." This, in Mr. Gardiner's opinion, was

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the kernel of the parliamentary difficulty, though Cromwell little realized it. It was a difficulty which only time could remedy.

The disagreement with Parliament and the royalist uprisings drove Cromwell to acts as illegal as Charles I. was ever guilty of. The two cases are strikingly similar, but they differed essentially in the character of the rule which each tried to impose upon the nation. Cromwell's efforts had the praiseworthy but fatal defect of being far in advance of what the English people were willing to accept, and his efforts in answer to Milton's exhortations to lead the three nations "from bad habits to a better economy and discipline of life than they had hitherto known" is the subject of three admirable chapters, The Major-Generals, The Limits of Toleration and The Moral Order. Religious toleration was practically complete except in the case of those religious bodies which were politically dangerous, and even these had less to complain of than might be expected. Roman Catholics were treated in a far more liberal manner than one would think possible by the author of the furious letter to the Irish clergy. "If his views on toleration did not quite reach the standard of the nineteenth century," says Mr. Gardiner, "they were in advance of all but the choicest spirits of the day in which he lived," and "his practice time after time outran his profession." Had Cromwell's life been prolonged, he might possibly have won the nation over to his views sufficiently to change the subsequent religious history of England, but in attempting to force upon it the Puritan standard of morals through the major-generals, he was clearly overstepping the limits of his power. Mr. Gardiner finds indications, too slight to be styled evidence, that this additional task was imposed upon the major-generals through the influence of Cromwell himself. However this may be, the mistake was fatal, for it brought home for the first time to large classes in the population the preponderance of the military force in the state. It was the dislike of military rule, so greatly augmented by these measures, which finally wrecked the Protectorate. These three chapters are of absorbing interest and must be read to be appreciated. They touch upon too many points of the highest importance to be presented in summary.

The chapter on the Cromwellian Settlement of Ireland will be welcomed by those who feel that the importance of the Drogheda incident has been overestimated. Nations are not permanently estranged by a military massacre, and the English attitude towards the Irish is more clearly shown in the persistently followed policy of colonization and conversion than in a hasty command given "in the heat of action." Those who want to understand the Irish question will get more insight from Mr. Gardiner's chapter than from any number of acrimonious discussions of Drogheda. Mr. Gardiner retains the phrase "Cromwellian Settlement," though it was Cromwell's only in execution, not in conception, being planned long before by the Long Parliament. It was his conquest which made its execution possible and he took the liveliest personal interest in the matter, yet he was surprisingly ignorant of the Irish situation. The impression of Turkish ferocity which one gets on reading his decrees is

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modified by the fact that neither he nor his subordinates in Dublin had a clear idea of their effect if carried into execution, while Cromwell himself was foremost in mitigating them when their cruelty and impracticability became evident. This is the most that can be said for him. It goes without saying that Mr. Gardiner gives the story exactly as it is, with no trace of partisanship and no attempt to gloss over the pitiful details.

I suspect that the present popularity of Cromwell in England is due at least in part to the vigor of his foreign policy rather than to his religious or constitutional efforts. No doubt this played its part in securing the statue at Westminster. From the time of the Restoration, when Englishmen muttered that the Dutch had not sailed up the Medway in Oliver's day, until the present time, this has been looked upon as a brilliant period in England's foreign relations, all the more brilliant for coming between two periods of shameful inactivity. Mr. Gardiner does not share this unbounded admiration and rightly refuses to judge the success of a foreign policy merely by the amount of terror inspired in one's neighbors. He shows how Cromwell's policy was defective in aim and incomplete in results. So far as we know, Cromwell was never out of England, and he was profoundly ignorant of continental affairs. He was completely under the spell of the absurd idea that the Catholic powers were combining to crush Protestantism and he was anxious to form a counter Protestant league. This formed the ideal side of his policy, "nobly conceived, but too complex to be carried out in successful action." Had he been better informed, he would have seen the impossibility of the union of France and Spain on the one side, and of Holland and Sweden on the other. The facts were so completely against him that the whole plan came to nothing, and the aspirations which he cherished to the end were never translated into action. Nor were his efforts to relieve prosecuted Protestants in Catholic countries attended with the success he desired. He was able to turn a delicate diplomatic situation to account in the case of the Vaudois; but in other cases he was powerless, for the statesmen of Europe had accepted without reserve the principle that each prince had absolute power of his subjects in matters of religion, and they considered local persecution more tolerable than a renewal of the religious wars. Mr. Gardiner even goes further and asserts in a remarkable passage, the closing one in the volume, that in claiming the right of interference in favor of the Huguenots in France Cromwell was adopting "the very policy to provoke such a youth as Louis," and was sowing "the seeds which were ultimately to come to an evil fruitage in the Revocation of the Edict of Nantes."

The religious side of Cromwell's foreign policy is the subject of a chapter, The Protestant Interest, which is a little masterpiece. We have all admired the manner in which Ranke holds in hand the complicated threads of a diplomatic situation. While he has treated more complicated periods, it is doubtful if he has done anything finer in its way than Mr. Gardiner's short description of Baltic affairs. It has the simplicity which is the mark of true greatness. Possibly it cost him

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less labor than other parts of the volume, but any one who has groped blindly through the sources of the period will be deeply impressed by the historical training necessary to seize so unerringly upon the salient points and to bring such admirable order out of chaos.

Mr. Gardiner's work as a whole has been so long before the public that a reviewer cannot be expected to dwell upon it. Its importance is not confined to the fact that he has completely rewritten the history of the period. Its effects are so far-reaching as permanently to raise the standard of historical writing among English-speaking peoples. There is no work which, both from the point of view of matter and manner, is more worth the constant perusal of American students. In a narrow sense, the period it covers is the period of American origins—in a broad sense all history is the history of American origins—while its method is so admirable that no one who has read widely in it is likely to go far astray. It is noticeable that Mr. Gardiner gets his wonderful results in the present volume not so much by the discovery of new sources of information as by the complete knowledge and careful use of what was already known. There are a number of accessions of new material, such as the third volume of the *Clarke Papers*, and Mr. Gardiner makes much of the reports of foreign ambassadors, but his narrative is often based upon papers perfectly familiar to his predecessors. This merely illustrates the fact, common to all sciences, that the best work can be done with materials already commonly known.

GUERNSEY JONES.

The Clarke Papers. Edited for the Royal Historical Society by C. H. FIRTH, M.A. Vol. III. (London, New York and Bombay: Longmans, Green and Co. 1899. Pp. xxviii, 217.)

THE Clarke Manuscripts, as every one knows, are the most important recent accession of new material for the Cromwell period. We are indebted to Mr. Firth, not only for this admirable edition, but also for their discovery in the Library of Worcester College, Oxford. The present volume is made up largely of official news-letters sent from the headquarters of the army at Westminster to the headquarters of the army in Scotland. They cover the period from April 1653 to April 1659. Selections from the remainder of those written in 1659 are to form part of the fourth and concluding volume of the series. Two or three news-letters were sent every week, forming a complete chronicle of events from a military point of view. In general, they offer little that is new of supreme importance, for the writers suffered more or less from "military lock-jaw," but they contain a multitude of new and interesting details bearing upon all sorts of subjects, and form a new source of information which it is a delight to read and which no investigator can afford to neglect. Not the least interesting part of their contents is their version of well-known events, such as the expulsion of the Long Parliament, showing clearly the desire of the military party to minimize the

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amount of force employed. The letters are too bulky to be printed in full, especially as many of the items are to be found in the newspapers. The present volume is therefore made up of selections and the work of editing has demanded an accurate and complete knowledge of the literature of the period, which no one possesses to a more eminent degree than the present editor.

Mr. Firth has greatly facilitated the examination of the volume by an admirable extended preface. There is much upon the various Parliaments, the proffer of kingship, the West Indian expedition and the campaign in Flanders. There are few notices concerning Scotland, these having been selected and printed for the Scottish History Society by the same editor. There is comparatively little on foreign or colonial affairs, with the exception of the two campaigns just mentioned, or on religious matters. Of special interest are seven speeches by Cromwell. Two very short ones are not in Carlyle, one being "the substance of his Highnesse answer" from the Clarendon Manuscripts. Four differ so little from Carlyle's version that the variations only are given, while one (speech XVIII in Carlyle) differs sufficiently to warrant its being printed in full. The appendix contains three papers of importance from other sources than the Clarke Manuscripts. The first is a memorial on foreign affairs presented to the Protector by Colonel Sexby on his return from the south of France, advocating an alliance with Spain. The second is the most important paper in the whole volume, being notes of debates on the West Indian expedition in two meetings of the Council. It not only shows clearly the motives of the expedition, but gives us a glimpse into the inner workings of the Council. The third and final paper is a curious letter by Nehemiah Bourne from the Massachusetts State Archives, giving interesting facts about the fall of Richard.

GUERNSEY JONES.

The Man in the Iron Mask. By TIGHE HOPKINS. (New York: Charles Scribner's Sons. 1901. Pp. xvi, 368.)

MR. HOPKINS has made no new investigations as to the mystery of the of the Man in the Iron Mask, but he has given the results of the work done by the latest and best French authorities. He has given it also in a clear and agreeable form, and those interested in this historical problem, and they are many, will read this book with pleasure, and will have the satisfaction of feeling that, in all probability, the riddle is satisfactorily solved.

As is the case with many other mysteries, when the truth is discovered the matter is found not to be very important. The Man in the Iron Mask owes his fame, not so much to his own importance, or even to the nature of the punishment he suffered, as to the fact that Voltaire brought his case before the public, and suggested solutions of the problem with the ingenuity and literary skill that made any subject interesting. And here was a theme peculiarly fitted to excite popular interest. An extra-

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ordinary punishment must have owed its origin either to an extraordinary crime, or to a mystery that would be dangerous to the state if it became known. The Man in the Iron Mask aroused an interest accorded to few historical characters. Hundreds of books, and thousands of pamphlets and essays have dealt with this alluring theme.

Mr. Hopkins reviews the most noteworthy efforts that have been made to identify the captive. Doubtless Voltaire's famous suggestion that a brother of Louis XIV. had been kept concealed from the knowledge of the world has been the most pleasing to the public. Among the many theories advanced, this had the least foundation, and found the most believers. The Duke of Beaufort, the Duke of Monmouth, Fouquet and Vermandois, were at least real personages, even though there was no evidence to show that any of them could have been the mysterious prisoner. Voltaire's theory lacked even that basis; there was no illegitimate brother of Louis XIV., whose existence anyone needed to conceal, and the incidents by which the great writer lent verisimilitude to his hypothesis existed for the most part only in his imagination.

In the light of all the evidence, the famous entry in the minutes of the Bastille, made when the prisoner was received there in 1698, which spoke of a man who was always masked and whose name was never mentioned, was probably inaccurate. From this entry the tradition of the Man with the Iron Mask has taken its rise. The "iron mask" was indeed a fiction of Voltaire's imagination; an iron mask the prisoner never wore, but only one of the light velvet masks covering part of the face, which were in common use in those days, and can now be seen at any masked ball. But, furthermore, there seems little reason to suppose that ordinarily the prisoner was kept masked. During the early part of his confinement, the secret of his identity was carefully guarded, but long before his imprisonment ended with his death, there is nothing to show that he was kept masked except when moved from one prison to another. So the Man with the Iron Mask becomes very nearly a man with no mask at all.

It has long been supposed that Count Mattioli was the famous prisoner, but some breaks in the evidence rendered it impossible to identify him satisfactorily, and historians had come to regard the problem as insoluble. By the unwearied industry of M. Topin, the missing links have been discovered, and apparently it is now established beyond all reasonable doubt that the prisoner who was received at Pignerol in 1679, and who ended his life in the Bastille in 1703, after thirty-four years of confinement, was Count Mattioli, a gentleman born in Bologna in 1640, and afterwards in the service of Charles IV., Duke of Mantua.

It has been argued that a man of so little importance would not have been guarded with such extraordinary care, but when Mattioli was first imprisoned, his conduct had been especially distasteful to Louis XIV., and yet, as the subject of a foreign prince, his arrest was in defiance of the law of nations, and it would have been inconvenient to have such an act of underhand violence brought to the attention of Europe.

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Therefore it was, that while Louis was resolved to punish with severity a man who while professing to be his emissary had betrayed his secrets to other powers, yet he also desired that the method of punishment should be concealed, and the identity of the unlucky offender should be destroyed. "You will guard him in such a manner that no one may know you have a new prisoner," was the order given by Louvois in 1679, while the King's own direction was that no one should know what became of the man. Mattioli was secretly arrested, his face was masked when he was carried to the prison, and for many years special pains were taken to conceal the fact that a subject of the Duke of Mantua was kept, in violation of international law and all law, in a French fortress.

Long before the death of the ill-fated Mattioli, he had ceased to be important. He was kept in confinement, as was many another luckless prisoner, because it would have been inconvenient to let him out, and the manner of his confinement, exaggerated by some careless entries in the prison records, and seized upon by the most ingenious of writers, made of him a famous character.

Apparently the mystery is solved. It was not so much of a mystery as was supposed, but Mr. Hopkins's book gives in readable form the truth about the "man in the mask," and some account of the ingenious fictions that have been composed in reference to "The Man in the Iron Mask."

JAMES BRECK PERKINS.

The Rise of the Russian Empire. By HECTOR H. MUNRO. (Boston: L. L. Page and Co.; London: Grant Richards. 1900. Pp. xii, 334.)

MR. MUNRO has chosen a good field. In these days when the increasing importance of the Russian Empire and everything concerning it are being universally recognized, a clear account of the early history and development of this mighty state should appeal to the general public as well as to the scholar. In English we have hitherto had almost nothing on the subject, except Rallston's little book and the few chapters in the translation of Rambaud. Here was a chance for an excellent bit of work. We do not demand original investigation or close acquaintance with the sources; a satisfactory knowledge of the latest results of Russian scholarship, and the ability to make use of them could have furnished us with all we ask for. The task was tempting and not too difficult. How has it been fulfilled in the present volume?

We turn, to begin with, to the "list of Works consulted," "arranged somewhat in the order in which they have been found useful." At the head of them stands the French translation of Karamzin, published in 1819. This is a shock. Of course, Karamzin is a classic whom every student of Russian history should consult, but what should we think of a foreigner who cited as his first authority for a new history of England, a French translation of Hume? Continuing, we see in the list many valu-

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able works that belong there; we also note glaring omissions, for instance Miliukov and Bielaev among Russian, Brückner and Cahun among foreign scholars. The English translation of Rambaud, published in 1879, comes fourth in the order of usefulness. If Rambaud is to be put so high, at least the latest French edition accessible with his matured and corrected views should have been used; and what, in all conscience, is Freeman's *Ottoman Power in Europe* doing more than half way up? A lack of broader knowledge, too, is shown by Mr. Munro's old-fashioned view of the Byzantine Empire, now rejected by all students of the subject, by his treatment of Polish topics and his spelling of Polish names, and by his repetition of the usual exaggerations as to the size of the Tartar armies. When he attempts parallels they are not particularly happy; witness his comparison between Oleg and Charlemagne, which is absurd.

Still, it is not with the detail of his facts, in the main accurate enough, that we have to quarrel with him; it is rather in his appreciation and treatment of them. Not merely is he prejudiced, as when his dislike to the Orthodox church—and it would seem to the Christian faith in general,—makes him entirely fail to grasp how much their religion and its ministers have done for the Russian people; he has also fallen, and fallen hopelessly, into the commonest of all mistakes in dealing with things Russian, that of regarding them as abnormal. Thus, instead of treating the early history as a subject, interesting and in some ways peculiar enough, but still perfectly comprehensible, and fundamentally governed by the same rules as that of other states, he is continually trying to impress us with the strangeness of his theme. There is a striving for effect from the beginning to the end of the book: nothing is ever natural, it is all lurid or grotesque or both. The result of this craving for the picturesque is a confused mass of word painting, which only a brilliant style could have redeemed; and the style is atrocious. It may be a writer's misfortune, not a fault, that he has not a positively good style, but there is no excuse for the badness of pages of turgid rhetoric mixed with ineffective sarcasms, not infrequently in bad taste. The countless similes too, in which the author indulges are hardly ever happy; the masses of double-barreled adjectives are very exasperating, the whole is confused and wearisome.

These faults would deserve less attention if they were defects in English. Unfortunately they are characteristic of Mr. Munro's whole attitude towards his subject and indicate his failure as an historian. Russian history should be viewed in just as cool commonplace a fashion as that of any other country, and its phenomena examined just as calmly. Under such treatment they lose any extraordinary character. The rapid conquest of a mass of disunited Slav tribes by Varangian adventurers is easy enough to understand, as is the dividing up of the empire thus formed among the different children of the princes, in a way common in primitive societies: the reasons why Russia got her religion from Constantinople not Rome, why she was conquered by the Tartars, and why after

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the Tartar empire had crumbled she found herself separated from the rest of Europe are capable of natural explanation, and do not call for any particular rhetoric.

One other criticism of detail is perhaps worth making, the treatment and transcription of Russian names. This question of transcription is one on which people disagree entirely, and where it is often difficult to agree with one's self. Mr. Munro at least has a distinct system; it is barbarous looking and he is by no means always consistent in its use, but there is no advantage in wrangling with him here. More annoying is his pleasure in putting in foreign words where English ones would have served every purpose as well, as in his continual repetition of Novgorodskie and Tsarskie and Ljnedimitri, etc., and his affectations such as Moskva, Warszawa, Wien. If we insisted in writing the name of every well-known foreign capital in its native form we might just as legitimately put in the Chinese characters for the word Pekin. In the present instance this unnecessary parade of accuracy seems like part of the general striving for effect which is the chief cause of the disappointment one feels in reading what might otherwise have been a useful book.

ARCHIBALD CARY COOLIDGE.

Charles William Ferdinand, Duke of Brunswick. An Historical Study, 1735–1806. By LORD EDMUND FITZMAURICE. (London, New York and Bombay: Longmans, Green and Co. 1901. Pp. vi, 147.)

THIS is, as the title page apprizes us, an historical study, not a biography. The fact is to be regretted, for a biography of Charles William Ferdinand remains yet to be written, and will be a contribution of no mean value to the history both of enlightened despotism and the French Revolution. Indeed it is a cause for surprise, that neither in German nor in English there has yet appeared what may properly be termed a biography of a man who once aroused the thrilling interest and received the plaudits of the English and the German public. On the score of pathos alone less prominent actors on the human stage have attracted a biographer. For this Duke of Brunswick is he, whom for his youthful exploits in the Seven Years' War Frederick the Great and Pitt hailed as "The Young Hero," and whose fame, after burning brightly for half a hundred years, went out suddenly and completely, beyond the hope of relighting, under the smoke and wreckage of the double battle of Jena and Auerstadt. This is a tragedy on almost a Greek scale, and is enforced by many incidents of a career which seemed to be the constant play of a blind, spiteful chance. Thus it can only be described as one of Nature's huge cynicisms that he, the darling and exemplar of the German *Aufklärung*, should have become identified with, nay, made himself the very mouthpiece of that leagued feudalism, which made itself an eternal laughingstock in the Brunswick manifesto of July, 1792, against the Revolution.

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It is really difficult to understand why Lord Fitzmaurice deliberately kept his sketch within the limits of "an historical study." By reason of this self-restraint his results are, it may as well be immediately confessed, slight and infirm. He probably argued that he was acting within the requirements of his form in contenting himself with already published material, and though he exhibits a praiseworthy familiarity with available references, it can not be pretended that he enlarges our knowledge by a single fact. Nor does he furnish a new interpretation of the duke's character, an original point of view. A personality, no matter how familiar, becomes embued, when seized and portrayed by a powerful mind, with all the interest of novelty, but the Duke of Brunswick, as presented in these pages, is not studied from life, but is at best a faithful pencil copy of the portraits found in Sybel and Chuquet. His person never emerges from a sort of prehistoric half-dark, does not become authentic and palpable, except in a few anecdotes and incidents drawn from Massenbach and Boyen.

The book, which is handsomely got up, is laudably free from careless errors. However, it may be noted that there is no good reason for complicating Kunersdorf with an *umlaut;* that the duke's mother was very far from being Frederick the Great's favorite sister (p. 7); and that the sequence of the battles and surrender, of the year 1759 is much misrepresented on p. 8. The essay has an appendix of documents, the *raison d'être* of which, in view of the fact that none of the material is new, does not force itself upon the reader. Altogether the book may be said to maintain the level of a good magazine article, which it originally was, but certainly to fall below the requirements of even an historical essay.

FERDINAND SCHWILL.

The French Revolution. A Sketch. By SHAILER MATHEWS. (New York, London, Bombay: Longmans, Green and Co. 1901. Pp. vii, 297.)

PROFESSOR MATHEWS has written an admirable text-book of the French Revolution. In less than three hundred pages the causes of that movement and its course are clearly traced in the light of the most recent and authoritative investigations. The justness and adequacy of his conception of the Revolution is shown by this paragraph: "In France, just as in America a few years before, and in England in the preceding century, revolution was the outcome of national convalescence, of a socialized conviction of injustice, and of a universal determination to install justice. It was the expression of popular hatred with abuses—political, social, ecclesiastical, economic—which, if properly met and controlled, might have been turned into the more quiet ways of reform. Nor was it the product of Paris alone. It was the work of a great nation, provinces as well as capital, and to appreciate its significance the student must never confuse temporary mob rule with a national awakening." This conception of the Revolution is successfully worked out in the narrative. Its

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predominantly social character, its various stages towards an ever more pronounced radicalism, and the nature and extent of provincial participation are clearly shown.

A third of the volume is devoted to a description of the conditions prevailing under the Old Régime and the reform movements preceding 1789. It is a relief to find so full and adequate a treatment of matter absolutely indispensable to a correct understanding of the Revolution and yet which is generally condensed in books of this character within the curt limits of a single chapter or two. Professor Mathews traces the development of the revolutionary spirit during the reign of Louis XV., showing how manifold it was in its manifestations and how widespread before ever it was touched by philosophy and pointing out the lamentable characteristic that among the worst of the people it was a "mutinous and brutal" spirit, among the best a "morally selfish, or at best morally neutral" one.

Two hundred pages are devoted to the period between 1789 and 1795. The story is told graphically but with moderation. The philosophy of events is shown, as well as their course, for one of the merits of the book is this excellence of its interpretations. The positions of the leading personages and parties in the Revolutionary history are made intelligible. Particularly successful is the treatment of the Girondists and Jacobins. Of the Reign of Terror the author says that it is a fundamental mistake to consider it "a carnival of brute passion, or the outcome of anarchic forces become ascendant. This was true of certain days and of the work of certain agents of the Convention . . . but utterly false in the case of the government by committees between June, 1793, and July, 1794. The Terrorists were seekers after order, not after anarchy, and while it lasted the Terror was a genuine experiment in politics—crude, hideous, and never to be confounded with the work of the generous idealists of the Constituent Assembly ; but in a politically ignorant and morally weak nation like France, possessing not a single man of first-rate ability among its legislators, probably inevitable. . . . But more than all it was implicit in the absolutism and the morals of the Old Régime" (p. 227).

Professor Mathews wisely gives little space to military events, merely indicating their bearing upon the Revolution. He closes his narrative with the installation of the Directory in 1795.

CHARLES D. HAZEN.

Jean-Paul Marat, The People's Friend. By ERNEST BELFORT BAX. (Boston: Small, Maynard and Co. 1901. Pp. ix, 353.)

AN unpartisan and critical biography of Marat has long been desired. No one of the important Revolutionists has fared worse at the hands of posterity. His was too vehement a nature to have aroused other than vehement passions and consequently he has passed into historical literature as the *enfant perdu* of the Revolution. Modern historical investigation imperatively bids us alter our views. A biography that should

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present the militant Jacobin in the new light, subjecting his career to a thorough and rigid examination, carefully substantiating every position taken in so stormy a narrative would be of great service. We do not need a defense, an apology, or an arraignment, but an impersonal study.

This Mr. Bax has not given us. Instead he has ranged himself with that great company of biographers who consider it their task to defend their heroes against all comers. Furthermore he has interjected his own political and economic views so freely into his narrative as to give it a polemical character, thereby lessening its value as pure biography. The temper in which the book is conceived is shown by this paragraph:

"The verdict of the 'world' on a public character, as well as on moral worth in general and its opposite, like the public opinion of the 'world' on other matters, represents only too often the verdict or the opinion of class-prejudice and ignorance. It is, in fact, a fairly safe plan to ascertain for oneself 'what most people think' on such questions, and then assume the opposite to be true. The result is a good working hypothesis, which remains, of course, to be possibly modified or even abandoned by subsequent investigation, but which is generally the nearest approach to truth we can make in the absence of the requisite knowledge for forming an unbiased judgment. Acting on this principle, the very extravagance of abuse with which Marat had been assailed suggested to me the probability than an exceptionally noble and disinterested character lay behind it. Modern research on the subject of the French Revolution has certainly more than justified this assumption" (pp. v and vi).

This is not auspicious, nor does our sense of the trustworthiness of this biography increase when we read the characterizations of prominent Revolutionary figures. Bailly, according to Mr. Bax, "from sheer timidity and want of backbone, allowed himself to be dragged at the tail of all the intrigues and rascalities of Lafayette and his following, and we regret, but cannot wonder, that he ultimately found his way to the guillotine." Pétion is a "lady's man," Barbaroux, a "young dandy," Madame Roland "that odious but classical example of the female prig." The touchstone of Mr. Bax's impartiality must lie in his treatment of the Girondists, Marat's bitterest enemies. One does not need to be an admirer of that party to find this treatment inadequate, unjust and contemptuous.

In a work professedly aiming at the rehabilitation of a much abused man we are justified in expecting elaborate, definite and, if possible, incontrovertible detail in the support of every main contention. Now one of the important sections of this book is devoted to Dr. Marat's professional, scientific and literary labors before the Revolution and we are told of his eminence and his influence in the world of thought and speculation. If these were what they are stated to have been, there must be an abundance of contemporary evidence to the fact. Very little of this is adduced, however, and the main reliance is placed in Marat's own statements, which are accepted in almost every instance at their face value—always a dangerous proceeding, but particularly so in the case of one so suspicious of others, so inflated with self-esteem, so exaggerated in statement as was the Friend of the People. Cases in point are Marat's account, sixteen

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years after the event, of the treatment he endured at the hands of Lord North (pp. 31–35); and his description of his scientific career and the malignant hostility of the *philosophes*. This defect, of not controlling Marat's own evidence by the testimony of others, is one that recurs frequently throughout the book.

Mr. Bax's treatment of Marat's policy of violence and intimidation is not very clear, and is apparently inconsistent in its various stages. On p. 140 he quotes Marat as saying that these tremendous demands for ten thousand, a hundred thousand, heads were merely a rhetorical device, an emphatic way of speaking—"I used them with a view to produce a strong impression on men's minds and to destroy all fatal security"; whereas, on p. 178, he again quotes Marat as indignantly denying to Robespierre that these "sanguinary demands" were merely spoken "in the air." On pp. 137 and 225, Mr. Bax seems to suggest that Marat's ill health may be held responsible to some extent for the truculency of his language, a reasonable explanation that should have been more emphasized. But at other times he seems to defend this policy as justifiable, taking occasion to animadvert severely upon Thiers, certainly an irrelevant figure in a life of Marat (pp. 139–142; 209–215; 250).

Mr. Bax quotes Lombroso as saying that the skull of Charlotte Corday exhibits "all the characteristics of the prostitute criminal type." He does not quote another remark of Lombroso to the effect that Marat was of "*le type criminel complet.*" The one remark would seem to be about as important as the other.

CHARLES D. HAZEN.

Mirabeau. Von Professor Dr. B. ERDMANNSDÖRFFER. Mit 4 Kunstbeilagen, 1 Faksimile und 93 Abbildungen. [Monographien zur Weltgeschichte, nummer XIII.] (Leipzig: Velhagen und Klasing. 1900. Pp. 128.)

THIS work was Erdmannsdörffer's last contribution to historical literature. It is one of a series of monographs written for the general reader and might serve as a model for that kind of a book. The general reader objects to footnotes; he cares only for the results, but they must be reliable and presented in an attractive form. A satisfactory book of that kind cannot be produced by a novice; it can be written only by a man of experience and training, with a special knowledge of the subject treated. That many of the ablest of modern historians have not disdained to write for a popular audience, is one of the hopeful things about modern historical literature.

Erdmannsdörffer's book impresses me as being, in some respects, the best short life of Mirabeau that has yet been written. It is naturally less brilliant, from a literary point of view, than the "Vie de Mirabeau" by Mézières, but it appears to me more scholarly; it is a better presentation of Mirabeau and the French Revolution than Willert has given us.

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Some years ago Professor Erdmannsdörffer edited the correspondence between Karl Friedrich von Baden and the Marquis de Mirabeau; during his last years at Heidelberg, one of his favorite lecture courses was upon the French Revolution. This knowledge of the subject, in detail and in general, combined with his experience as an investigator, a writer, and a successful university lecturer marked him as the man who was likely to write a scholarly and attractive life of Mirabeau. He did his work so well that it will not be necessary to do it over again for the German public. Erdmannsdörffer has done for the general reader what Stern had already done for the historical student, and the popular sketch is as sound, as true to the evidence, as the scientific treatise.

The proportions of the work are, with some exceptions, excellent, and details have been subordinated in a masterly manner. Never losing sight of the fact that his subject is to be dealt with as an historical character, he passed rapidly over certain episodes in Mirabeau's life that are dwelt upon at length by Mézières. The affair with Mme. de Monnier at Pontarlier and the divorce trial at Aix are good examples of this method of treatment. Such careful preservation of proportions and of the historical perspective lends to the narrative a dignity that is seldom met with in works of this class.

The attitude of Erdmannsdörffer toward Mirabeau is admirable. It resembles that of a kindhearted physician toward his patient. He is sympathetic, but he does not allow his sympathy to interfere with the scientific study of the subject. It is this characteristic, among others, that inclines me to place his book above all the other popular lives of Mirabeau with which I am acquainted. No more appreciative paragraphs have ever been composed on this strange mortal than those written by Erdmannsdörffer upon the *Lettres de Vincennes*, upon the constant conflict between the statesman and the demagogue in the last three years of Mirabeau's life, and upon the disreputable publication of the notorious *Histoire secrète de la cour de Berlin*.

The book will prove interesting even to those that are acquainted with Loménie and Stern. The chapters upon the Marquis de Mirabeau as a publicist, upon the coöperation of Mirabeau and Mauvillon in the production of the *Monarchie prussienne*, upon the Notes to the Court, and upon a number of other important topics, were inspired by a careful study of the sources and are suggestive reading.

I have noted very few incorrect statements of fact in the book. When Erdmannsdörffer suggested that during the procession of May 4, spectators sought for Bailly in the ranks of the Third Estate, he forgot that the famous academician was not elected until May 12. While, as I have said, the proportions of the work as a whole are excellent, the treatment is not flawless. Not enough space is given to the important period from 1772 to 1776, from Mirabeau's marriage to his transfer to the fortress of Joux; the financial relations between Mirabeau and his father, on account of the important part they play in the lives of the two men, should have received fuller treatment.

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The illustrations form a very valuable and instructive addition to the text. They are excellent reproductions of contemporary woodcuts, engravings and paintings. Seven portraits of Mirabeau, a facsimile of one of his letters, the château d' If, the citadel of the Île de Ré, the donjon de Vincennes, several views of the hall of the Estates at Versailles and of historical buildings of old Paris, together with portraits of most of the famous contemporaries of Mirabeau, make up this attractive list. The paper, printing, and binding of the book represent the best results of German handiwork.

FRED MORROW FLING.

Le Conventionnel Philippeaux. Par PAUL MAUTOUCHET. (Paris : Société nouvelle de libraire et d'édition. 1900. Pp. xlii, 408.)

THIS work was presented as a thesis for the doctor's degree at the Sorbonne and was "brilliantly" defended March sixth of this year. Referring to the book in the *Révolution française* (April 14, 1901), M. Aulard states that M. Mautouchet did his first work upon the subject in one of the practice courses at the University and later recast it and developed it more fully as a thesis.

As M. Aulard remarked, "It is a good book." It could not be a great book, chiefly from lack of material. All that is known of Philippeaux previous to 1789 barely fills a page ; he did not become a national character until the autumn of 1792, and he was guillotined in the spring of 1794. An honest, laborious, self-sacrificing, but very ardent patriot, his historical existence was a tragedy in a single act. This tragedy has already been brilliantly described in outline by Michelet ; M. Mautouchet presents it in all its details. Had Philippeaux not been sent upon his famous mission to Vendée, he might have been as little known as many of the members of the Convention.

M. Mautouchet properly devotes nearly half of his volume to these last few months of the life of Philippeaux. He describes the success of the mission in uniting the people and in raising volunteers ; the obstacles thrown in Philippeaux's way by the demagogue generals at Tours and the criminal abuses and mismanagement that he noted in their army ; the saving of Angers, the unification of Nantes and the failure of the plan of campaign, advocated by Philippeaux, because the army of Tours did not support him ; the denunciation of the generals and the criticism of the Committee of Public Safety, leading finally to the arrest, trial and execution of Philippeaux. His frankness cost him his life. In his last moments, knowing what the outcome would be, he declared that no torture could force him to betray the sacred interests that the people had intrusted to him. The memory of such a man deserves to be vindicated, and M. Mautouchet has vindicated it, although he was not able to prove to the satisfaction of M. Aulard that the famous order to retreat, that Philippeaux charged Rossignol with writing, was even written.

In form, the book is beyond criticism ; the bibliography, with its

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long list of manuscript and printed sources and historical narratives, is apparently as complete as industry and skill could make it; the footnotes are abundant and contain valuable matter; the *Appendice* is devoted to documents hitherto unpublished. The introduction is, perhaps, too scientific. The writer of an historical work should be thoroughly familiar with the historical method and should never lose sight of it either in his investigations or in the presentation of the results, but it is somewhat naïve, to say the least, to discuss in an introduction the general principles of method that are found in every good text-book.

FRED MORROW FLING.

L'Île de France sous Decaen, 1803–1810. Par HENRI PRENTOUT. (Paris: Hachette. 1901. Pp. xlvi, 688.)

IN history there is a recognized tendency for a lost to remain an unchronicled cause. Men care not to rehearse their own defeats. This weakness French scholarship, in such works as the present and Lorin's Frontenac, has overcome. Dr. Prentout's treatise has, beside this melancholy interest for his countrymen, a touch of literary chivalry. Its central figure, Decaen, on his return from the east in 1811 found himself partially dislodged from the current of larger affairs and died, in 1832, in comparative obscurity. The author, a frank admirer, seeks, by reviving the memory of Decaen's services, to promote juster appreciation of his merits. The treatise rests on the papers of Decaen himself, preserved since 1872 in the library of Caen; which source, by its freshness, heightens the worth of the work as a whole without compromising the author's brief for its hero. For these papers are, during the years in question, mostly in the trustworthy form of letters; and all conclusions which the author has based upon them, he has checked and completed in the archives of Paris, London and Mauritius.

By the peace of Amiens, France, to use Forfait's expression, "held just enough of India to be able to say that she was not excluded." This remnant of French dominion, which Bonaparte hoped to revive, he entrusted at that critical time to Decaen. Decaen was born, the son of a bailiff, at Caen in 1769, enlisted in 1792, attained the rank of brigadier in 1796, and in 1800 had closed this satisfactory career in the German campaigns by commanding with credit a division at Hohenlinden. His appointment as captain-general in India, though self-sought, was considered by Moreau, whose trusted lieutenant he was, as nothing less than banishment. Such it may have been in the eyes of Bonaparte, who crippled his rival at the time by appointing several of Moreau's lieutenants to posts in remote colonies. Decaen himself he was careful to weaken by withholding from his control both the Isle of France and the French squadron in those seas. In the second of these points, Dr. Prentout sees the sinister influence of the minister of marine, who was on ill terms with Decaen; but, in respect of both, one may observe that Bonaparte, then at war with Toussaint Louverture in

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the West, would distrust too powerful a proconsul in the East Indies. The renewal of the war, by closing Pondicherry to the French, transferred and confined Decaen to the Isle of France, under him the citadel, for seven years, of French power in the east. His activity here this work surveys at large—the restoration in the colony, as in France, of the old centralized régime under new forms; Decaen's futile efforts to promote a French attack in India; finally his surrender in 1810 to an overwhelming English force. On all these points the work is a mine of information. Its interpretation is frank, yet open at times to criticism. Napoleon, for instance, is blamed for neglect of the colonies as against Europe; Decrès for indifference in reinforcing Decaen. Could they do otherwise? Of three vessels sent singly to the Isle of France in the winter of 1808–1809, the English took two.

American readers will be struck by the repetition here, on a smaller scale, of the bickerings and love of display so prominent in the annals of New France. Decaen religiously devoted his salary and allowances, one hundred thousand francs, to the maintenance of his social prestige; while his differences with his associates read like a classic in quarrelsomeness. From his first interview with Decrès he quarrelled with that minister. When Bonaparte taxed him with this, Decaen claimed the First Consul's protection. Bonaparte smiled and promised to be his "champion." At Brest Decaen fell out with his naval colleague, Linois,—an omen of their later intercourse. In the colony, his relations with the prefect were good, with the commissioner of justice, towards the end, bad. In spite of this record he seems on the whole to have been a man genial, popular, a little arbitrary, never bitter. An estimate of his capacity is not easy. Lord Whitworth termed him, before his colonial career, a man not remarkable either as a general or as a statesman. Twenty-seven years later, Sebastiani, in offering him the presidency of a commission on colonial legislation, referred to his "glorious reputation won in the colonies." His civil administration in the east was a success, his military failure no disgrace. Napoleon himself, in 1807, asked Decaen's brother, "Why have the English not taken the Isle of France?" and added, "'Tis their stupidity." His extension and support of the lycée in the colony during his trying régime will compare, for breadth of view, with Humboldt's foundation of the University of Berlin in 1810. And, in his last days, he could say to Gouvion St. Cyr and Soult that thirty years of honorable service in important posts had left him nothing but the satisfaction of having done, at all times, his duty.

H. M. Bowman.

Histoire du Second Empire. Par Pierre de la Gorce. Tome V. (Paris: Plon, Nourrit et Cie. 1901. Pp. 538.)

In this, the fifth volume of his history of the Second Empire, M. de la Gorce brings the narrative to the first month of the year 1870. Beginning with the battle of Sadowa he continues his analysis of the Franco-

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Prussian relations, discusses the whole matter of the compensations with exceptional skill, and ends his first chapter with the issue of the La Valette circular. Then passing to the Mexican question he completes his study of that unfortunate adventure, leaving Campbell, United States agent in Mexico, with the full responsibility for failing to carry out Seward's instructions to intercede with Juarez for clemency toward Maximilian; and calling the trial of the Emperor an extraordinary travesty of justice (p. 137). Returning to France he takes up the Exposition of 1867 and deals once more with Franco-Prussian relations when "d'abandon en abandon, de concession en concession, nous étions obstinés à concentrer nos désirs sur le Luxembourg." Closing this after an account of the London Congress, with Moustier's apologetic speech to the Chamber, in which the minister declared that the object of France had been less to increase her territory than to protect her frontiers (p. 194), he turns to Italy and analyzes the Franco-Italian relations from the Convention of 1864 to the battle of Mentana. As in previous chapters on Italy, so here, we have the fullest, keenest and most lucid analysis of one of the most involved of Napoleon's intrigues.

Why did the Emperor intervene at Mentana when thereby he alienated the only power in Europe remaining friendly to France at that time? Why did he not allow the Italian government to carry out its policy of occupation of Roman territory when he had already done so much for the Italian cause and had seemed so amenable in the past to the importunities of the Italian diplomatists? Why did he reverse the attitude assumed in 1860 and refuse at this time to listen to such men as Nigra and Pepoli who wished to repeat the ruse that had succeeded so well at Castelfidardo, particularly as Prince Napoleon, La Valette, even Rouher, at this time high in favor with the Emperor, opposed a second expedition to Rome? It will not be enough to cite the Convention of September; that was only a *modus vivendi*. M. de la Gorce finds several reasons: first, a change in Napoleon's own views, for on account of the "grand scandale," the "Imposture" of Castelfidardo, he had lost his old illusions; second, the inferiority of Nigra's diplomacy and cunning, for the Italian ambassador of 1867 was not the equal of Cavour; third, the arguments of Moustier and Niel, who threatened to resign if their counsels should not prevail; fourth, a desire to uphold the papacy and to renew the alliance between the clergy and the empire. But after all, are these the reasons? Each undoubtedly had an influence on Napoleon's mind, but can it be honestly said that Napoleon ever acted on reasoned convictions? He was a man of impulse, Micawber-like waiting until some event turning up at the moment of action, should compel decision. On no other ground can Napoleon's diplomacy be explained.

How was it in this case? The decision had not been rendered when Nigra left Biarritz, nor even after the threats of Moustier and Niel had led to the adoption of intervention in principle. Everything hung in the balance to the end: Nigra was confident on one side that Napoleon would favor Italy; Armand, French secretary of legation at Rome, on

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the other, that he would uphold the cause of the Pope. Even in the council of October 25 "l'empereur s'acheminait vers la politique d'action, *mais avec toute sorte de retours*" (p. 295, italics mine). But when the news came of the actual starting of the Garibaldian expedition and of the great alarm in Rome, then fear of revolution in Italy and its possible danger to both Pope and King seemingly impelled Napoleon to a decision. Yet even at the last moment the order wavered. M. de la Gorce gives a remarkable story on page 296, told him by the heirs of Vice-Admiral de Gueydon, according to which the fleet at Toulon was sent, recalled, ordered to lie off the coast within reach of a recall, and then got away under cover of increasing darkness, escaping from those who would wish to have called it back again.

Haphazard diplomacy! How else can it be designated—not only with Italy but still more with Germany? In those portions of the work that will prove most widely interesting—the chapters treating of the relations with Prussia—M. de la Gorce lays stress where a Prussian would not have placed it, upon the weakness, the divided counsels, and the hesitation of France, and not upon the diplomatic greatness of Bismarck. Unlike Sybel, who as a patriotic Prussian is concerned with the merits of Bismarck and other Prussian leaders, M. de la Gorce brings out the good fortune that attended Bismarck and gave him so impotent an enemy to oppose. He gives the Prussian minister full credit for bravery, for diplomatic rashness that was almost genius, but he refuses to deify that statesman, believing that having fathomed the helplessness of the enemy he became hard, unscrupulous, and possessed of little nobility of character. There are many, not Frenchmen, who will agree with this view, and who will follow M. de la Gorce when he speaks of "les iniquités de la Pologne, les sophismes de l'affaire danoise, les brutales hardiesses de la politique prussienne" (p. 66). It is well to have both sides presented: Sybel's glorification of Bismarck, to the neglect of the actual situation in France; de la Gorce's fearful arraignment of the inextricable confusion that prevailed in the French government contrasted with the machine-like precision and simplicity prevailing at Berlin.

I know of no work that brings out this confusion and disorder more strikingly. An emperor, genial and courteous, possessed of a benevolent and humane spirit, liberal by nature, in diplomatic intrigue simple even to *naïveté*, constitutionally an autocrat yet loving to turn to the humblest of his subjects that he might hear his opinion, desirous of repose yet rarely obtaining it, wishing for others contentment, for himself, peace, the recovery of his health, and relief from his cares. Complaisant in consenting that Prussia should annex new millions of inhabitants and hurt because Bismarck would not grant France an equivalent. Consenting to the unity of Northern Germany just as he had consented to the erection of a larger Piedmont, in the forlorn hope that one would mean a dual Germany as the other had been planned to inaugurate a *federated* Italy. Trusting that liberty of the press would draw the nation more closely to him but not realizing that "après la compression des années

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précédentes la société impériale était en crise d'indiscipline," and that the chief result would be Rochefort and his *Lanterne*, in which "la société décadente du Second Empire avait rencontré un publiciste à son image" (pp. 400, 401).

And so it was: constantly deceived and constantly disappointed Napoleon maintained to the end views that abroad proved impracticable in the presence of the purposes of Cavour and Bismarck and at home illusory in the face of a declining respect for the empire. But more serious than Napoleon's incapacity and weakness were the divisions everywhere prevailing among the Emperor's advisers. A French Bismarck with so pliable a character to control might have altered essentially the situation though he could not have saved it. But there existed no master mind. The Austrophiles and the Prussophiles, the Catholics and the Italianissimes, the war party and the peace-lovers, conservatives and liberals, all pulling in different directions. Study the debates on the army measures of 1867–1868 (Book XXXIV.), and contrast the plans of the Emperor with the hysterical objections of Marshal Randon, the searching criticisms of Trochu, the hostile attitude of the speakers in the Corps Législatif, and the eventual mutilation of the measures. And so goes the tale through the entire volume: a tale of inefficiency, disunity, selfish ambition, and conceit.

M. de la Gorce has never told a better story or a more scholarly one. We are not surprised that the work has been crowned by the French Academy, receiving the *grand prix* Gobert, and has already passed into a second edition. If Bonapartism were not already dead in France, the vogue of so unvarnished an account of Napoleonic failure would certainly hasten its demise and end what little life remained in the Napoleonic legend of to-day.

CHARLES M. ANDREWS.

Modern Spain, 1788–1898. By MARTIN A. S. HUME. [The Story of the Nations.] (New York: G. P. Putnam's Sons. 1900. Pp. xxii, 574.)

THIS book may fairly be numbered among the better volumes of the useful but unequal series to which it belongs. Mr. Hume is exceptionally equipped by long residence in the peninsula and by family connections to write the history of modern Spain and he has produced a readable narrative which bears frequent witness to his first-hand knowledge. Although in the main he devotes himself to giving an account of the political vicissitudes of the Spanish people, he does not neglect economic aspects of the period nor fail to pass running comment upon literature and art. One cannot help feeling, however, as he runs upon statements that a moderate degree of specially directed investigation would show to be either hazardous or positively erroneous, that the author, relying with confidence upon his familiarity with Spain and his general reading, has taken his task a little too lightly. The following examples may be given

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as illustrations. On p. 42 it is said that "the population of Spain had steadily declined from the time of the Goths, when it was very numerous, down to the first quarter of the eighteenth century." As the figures given for the population of Spain are all guesswork before the census of Castile in 1594, and equally so for Spain outside of Castile until 1797, so confident an assertion of the steady decline of the population of the peninsula for over a thousand years is, to say the least, hazardous and misleading. On p. 6 the well-known prophecy of Aranda in regard to the future greatness of the United States is quoted and it is said to be from a letter which Aranda wrote to Florida Blanca. This document according to its title was a memorial submitted to the King and not a letter to Florida Blanca. That it is of doubtful authenticity Mr. Hume is evidently unaware; yet Ferrer del Rio discussed it in his "Historia del Reinado de Carlos III" and reached the conclusion that it is not genuine. He was unable to find the document in the archives and the views presented in it are inconsistent with authentic expressions of Aranda. Baumgarten in his "Geschichte Spaniens" is also positive in his rejection of it for the same reasons. The account on p. 54 of the treaty of St. Ildefonso (1801) gives the idea that it was the result of folly rather than of practical compulsion.

In matters relating to American history Mr. Hume's expressions show both haste and unfamiliarity. We are told (p. 446) that Spain had a little war (1861) "in Santo Domingo, where the Spanish half of the Negro Republic desired annexation to Spain," and that Grant (p. 492) "resolutely refused" to recognize the Cubans as belligerents because being "now firmly fixed in his new term of office" he had no "desire to strengthen the Democratic party by adding Cuba to the agricultural states." No doubt Mr. Hume recollects reading something like that in a Spanish newspaper thirty years ago. It is tolerably well known that Grant wanted to recognize the Cubans as belligerents and was with difficulty dissuaded from doing so. The phrases, "the revolt of the English-American Colony" (p. 171), and "the United States legislature" (p. 559), evince a haste that cannot tarry until the precise word presents itself.

EDWARD G. BOURNE.

The Constitutional History of the United States. By FRANCIS NEWTON THORPE. (Chicago: Callaghan and Co. 1901. Three Vols., pp. xxi, 595, xix, 685, xvi, 618.)

ACCORDING to the preface, this work, "the labor of half a life time," traces the "origin, progress and development of constitutional government in America from the close of the French wars in 1765, to the year 1895"; but as would be expected by one familiar with Mr. Thorpe's previous book, *The Constitutional History of the American People*, the terms of the title bear a peculiar significance. In reality the work is far less broad in scope, being concerned not so much with constitutional

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government as with the formation of the text of the Federal Constitution. Out of 1,829 pages, 1,260 are devoted to the process of formation, ratification and amendment, only 249 to constitutional history in Von Holst's sense of the words, and only 96 to the judicial interpretation of the Constitution.

The author's point of view is also unusual in that he conceives his province to be that of a mere chronicler. He aims to be perfectly impartial in recounting what was said and done, and to abstain from passing judgment on any constitutional doctrines or arguments, and in this he succeeds to a marked degree. At the same time, however, the reader is left in no doubt as to where the author's sympathies lie. He occupies a strictly Jeffersonian individualistic position regarding the rights of man, checks and balances and constitutional limitations, but he joins with this a strong nationalistic feeling. Hence he applauds the Revolutionary Whigs and stigmatizes their opponents as "Tories," "disloyal," "selfish and intriguing," reprobates the slaveholders and secessionists while eulogizing the abolitionists and radical Republicans, praises equally Jefferson, Lincoln and Thaddeus Stevens. Every effort to define the rights of the individual meets his enthusiastic approval. The three volumes accordingly are descriptive and expository but at the same time highly uncritical and their value depends upon the quality and arrangement of the material they contain. This is considerable.

In the first volume Mr. Thorpe begins with a brief survey of political conditions in 1765, at the same time tracing the rise of democratic political theory in the colonies, and allowing due influence to the frontier and to economic considerations. This is followed by a narrative of the taxation controversy and the Revolution with special reference to the steps taken by the colonies toward union and independence and their expressions of political theory. The colonial protests and resolutions and the actions of Congress are therefore somewhat minutely analyzed. The first part ends with a description of the origin and formation of the Articles of Confederation, the difficulties over their ratification and a summary of the futile attempts to amend them. These opening eight chapters are in many ways the most original and valuable of the whole work. The political and constitutional theories of the Revolutionary statesmen and the political and economic reasons for their action are convincingly shown by elaborate analyses and cross references to documents of all sorts.

The rest of the first volume and the opening third of the second volume are devoted to a full narrative of the formation and ratification of the Constitution and the adoption of the first twelve Amendments. These chapters while based equally upon original sources cover more familiar ground in a less novel way. The rest of the second volume describes the history of the Constitution during the struggle between states' rights and nationalism. Mr. Thorpe does not devote much space to political controversy even though in it the Constitution was appealed to by both sides, but contents himself with a brief summary of such struggles and an even briefer summary of judicial interpretations, his object being to trace

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the growth of general political governmental theory. These chapters need to be supplemented by continual cross references to Mr. Thorpe's earlier work, taken with which they become much more valuable. The survey of the era of struggle ends with a detailed study of the fruitless attempts in 1861 to prevent secession by constitutional amendment.

The third volume is almost wholly devoted to the last three Amendments. Here Mr. Thorpe, returning to the methods of his opening chapters, makes use of a comparative study of State and Congressional action during the Reconstruction period, to show the successive steps by which negro liberty and legal equality became part of state and Federal Constitutions. In this, as he says in his preface, he is doing the work of a pioneer, and by the width of his research, the fullness of his citations and his grasp of constitutional and legal documents Northern and Southern has certainly made an extremely valuable contribution to history. Throughout, from 1765 to 1870, he has proved, as no other writer has even tried to do, the impossibility of dealing fully with the Federal Constitution either in its origin or Amendments without ample consideration of the colonial and state governments, constitutions and laws and the political theories current among the people.

But while in the matter of the collection and exposition of legal and constitutional material nothing but praise can be awarded the work, there are certain peculiarities which it is impossible not to mention. The most striking is Mr. Thorpe's use of sources. As regards the primary legal authorities no fault can possibly be found, for the author has spared no pains to secure full authentic reports of every convention, election or legislative act. His foot-notes bristle with documentary references and when these are lacking he has made some attempt to supplement them by newspaper reports. He also makes use of the works of statesmen, especially for the Revolutionary period, but his main reliance everywhere is upon "Official" documents, a tendency equally marked in his earlier work. But when it comes to secondary authorities a great difference is observable. He never discusses and rarely mentions the conclusions of recent writers, even those in his special field. With the exception of Barrett on the Northwest Ordinance, and Libby, Walker, Harding, McMaster and Stone on the Adoption of the Federal Constitution he makes no use of monographic work. The Johns Hopkins series is ignored: no reference is made to Jameson's *Essays in the Constitutional History of the United States*, to Fertig's *Reconstruction in Tennessee* or any other in the Columbia Series, or to Houston's *Nullification*. He has apparently never read Dunning's *Essays on Reconstruction*. As regards the longer works on United States History, the omissions are even more surprising. Bancroft, Frothingham, Trevelyan and Lecky are mentioned a few times, Hildreth only once; but Von Holst, Schouler, G. T. Curtis, H. Adams and Rhodes are unknown. None of the legal writers from Story to Cooley are referred to, except Jameson's *Constitutional Conventions* and Burgess, each once in a foot-note. Precisely why Mr. Thorpe has ignored practically all American scholarship is not clear. If he reached the same

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conclusions independently he might be justified in disregarding other writers, but that is not the case. The weakest parts of the three volumes are precisely those which a full knowledge of these writers would have remedied.

To begin with, the work impresses one with a great lack of digestion. Where Mr. Thorpe deals with debates of any kind in any legal body he invariably gives full abstracts without quotations, rearrangement or explanations. He never sums up or groups opinions or statements, he shrinks from no repetition and in this way manages to devote three-fifths of his space to mere debate. With this goes also a singular lack of perspective, the same as that observed in Mr. Thorpe's earlier work. To the author all things legal, or found in authentic documents, appear of equal importance. All parts of the Constitution and all Amendments are worthy of equal attention. More than this all amendments offered to any resolution or act are of equal value with each other and with the act. Still further in any debate each speaker and everything in each speaker's remarks is of equal weight. The result is an overwhelming amount of unimportant matter. More than twice as much space is devoted to the compromise measures of 1861, which failed utterly, as is given to the Thirteenth or Fifteenth Amendments.

The legalism of the author's point of view is reflected in his language. The style, ordinarily clear, is not always easy and lacks variety, besides being filled with technical phrases and certain hard-worked favorite words. In explaining anything, whatever is not "administrative" is "economic" or "political." This gives a drily abstract air to really valuable observations. The arrangement of material in chapters and paragraphs is frequently bad. At times the latter are so mismanaged as to make it difficult to understand whether the author or one of the speakers in a debate is responsible for the ideas.

Probably the legal cast of Mr. Thorpe's mind and his ignoring of other writers are responsible for the slight attention given to political motives. The whole history of the country appears in his pages as a network of legal and theoretical controversy, and the influence of purely partisan and business considerations is barely mentioned. In the colonial period this deficiency is less serious but in the treatment of the Reconstruction epoch it impairs the value of the whole work. Having shown convincingly how down to 1866 there was no wish, North or South, to give the free negro a vote, the author goes on to describe the Reconstruction measures as a triumph of liberalism and democracy without referring to the highly practical motives which led Stevens, Morton and the rest to give suffrage to the blacks. To describe this struggle without recognizing purely partisan motives is to miss the decisive element in the whole story. Hence the third volume appears more obviously one-sided than the first.

Another deficiency is in the author's treatment of the political theories of the colonies. Mr. Thorpe seems to consider them as of European origin, citing Grotius and Montesquieu, and almost ignoring the body of Eng-

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lish Whig doctrines, culminating in Locke's political philosophy. In dealing with the knotty question of sovereignty Mr. Thorpe lacks the clearness which comes from sharp definition of the various meanings of the word. Nowhere in the volumes is the distinction made between legally divided and politically united sovereignty, and the evolution in the popular ideas on the subject traced by Professor McLaughlin in the AMERICAN HISTORICAL REVIEW for April 1900, appears nowhere in his pages.

Further Mr. Thorpe's dependence upon legal documents and the slight attention paid to secondary sources lead to the presence of a number of actual errors in the text, among which the following are the most striking: In volume I., p. 80, forgetting the Declaration of 1688, he says "the Americans were the first people to accuse the King of violating the compact." In the same volume (p. 110) he accepts without question the Mecklenburg declaration of independence of May 20, 1775. In Vol. II., p. 343, after describing the Naturalization and the Alien Enemies Acts he says "these were the famous alien and sedition acts of 1798"! and later states that they were repealed which is true only of the Naturalization Act. On p. 357 he denies that New England in 1814 meditated secession. On p. 387 he asserts that Jackson before his election "left no one in doubt" of his position on the tariff, which is just what he did do with great skill. On p. 468 he says the decision in Marbury *vs.* Madison was never executed. On p. 560 the map of slave and free territory in 1860 is wrong since it includes both Minnesota and Oregon as territories whereas both were states. On p. 559 he says that the Congress elected in 1860 was Republican in both branches and gives the figures for Congress as it was in July 1861 with no Southern members, whereas in fact the Republicans elected a majority of neither branch. On p. 595 he speaks of South Carolina's falling into the hands of the national forces on September 17, 1862. On p. 682 he says that Illinois alone ratified the amendment proposed in 1861; MacDonald's *Documents* gives Maryland and Ohio. In Vol. III., p. 122, the Crittenden resolution of 1861 is confounded with the Crittenden compromise offered in the preceding Congress. On p. 516 the Ableman and Booth case is confused with the Merryman case. On p. 524 the author says the fears of several southern States in 1865 that Congress would extend the franchise to the negroes were groundless. But as a matter of fact Congress did this very thing in the Reconstruction Acts. The chapters on political affairs are filled with careless statements of this character, contrasting with the scrupulous accuracy of references to constitutional and legal matters.

The most questionable feature, however, is the fundamental plan. In spite of the wealth of material and keenness shown in interpreting legal matters, is a history of the United States Constitution worth writing on the lines that Mr. Thorpe has followed? The lack of perspective which leads the author to devote only 96 pages out of 1829 to the judicial interpretation of the Constitution and only 164 pages to all other development permeates the whole work. Strong as the volumes are in

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the narrow field of legal procedure, they are less than commonplace on the judicial side and in the political interpretation of the Constitution are distinctly weak. The error is made of regarding the text of the Constitution as the main thing, its operation as negligible. Not a word is given as to the practical working of any organ of government except the judiciary, not a word to the results of the Reconstruction Amendments although the History purports to come down to 1895. Valuable as Mr. Thorpe's work is in its field it is far too narrow to make good the claim of its title to be a Constitutional History of the United States.

The three volumes are creditable pieces of book-making. The paper had necessarily to be too thin for elegance in order to keep the volumes of a convenient size, but the page is clear, the type good and misprints relatively few. Out of a score noted, none are more serious than slight misspelling in proper names and errors of a figure in a few dates. There is a long and elaborate index reproducing in its choice and arrangement of topics the merits and peculiarities of the text.

THEODORE CLARKE SMITH.

High School History of the United States, being the "History of the United States for Schools." By ALEXANDER JOHNSTON, LL.D. Revised and continued by WINTHROP MORE DANIELS. Further revised and continued by WILLIAM MACDONALD, Professor of History in Bowdoin College. (New York: Henry Holt and Co. 1901. Pp. xviii, 612.)

PROFESSOR JOHNSTON'S *History of the United States for Schools*, appeared in 1885. It was quite generally regarded as among the best of our school text-books. Larger and more complete "Students' Histories" and high school text-books have been published since then; but with the revisions and additions since added to Professor Johnston's book it will be able to hold its own among our good high school texts.

Professor Johnston was one of the earliest among American teachers to recognize the need of better perspective and proportion in the study of American history in our common schools. An undue proportion had been given by previous authors of text-books to colonial times and affairs, more than half their volumes being given, in some cases to the story of the colonies preceding the Revolution. Professor Johnston appreciated more highly the importance of the national period since the Revolution and under the Constitution, and he devoted at least three-fourths, perhaps four-fifths, of his volume to this period. He set a pace which has since been followed. His purpose was to produce, not a narrative story-book of interesting old times in the colonies, of John Smith, Miles Standish, and the Indian Wars, but a topical text-book that would emphasize the principles and policies in our national development, making most for the education of American citizens. This original plan has, of course, been respected and preserved by the revisers. The body of the text in the new work is essentially the same as in the *School History*.

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There have been some enlargements and some curtailments; good maps are still plentiful, and the illustrations have generally been enlarged and improved. The questions designed for the teacher's use, placed formerly at the bottom of the pages, have been omitted, and, instead, at the end of the chapters "Topics for further Study" are added. These and the supplementary notes on the sources and references for supplementary reading are very valuable aids. The references are to the most useful and easily obtainable material, and they are given with discrimination and authority, as might be expected from Professor MacDonald, whose experience with documents and authorities makes him an expert in bibliography. The text is brought up to the date of publication, 1901, the last chapter being a good topical summary of the important recent events, without party color or bias on controverted party questions. This chapter takes the place of the final chapter in the old volume, which related chiefly to the state of the country and the causes of our growth, with some speculation as to the future. Teachers of American history in our secondary schools will find the new volume a very useful guide. J. A. WOODBURN.

The Spanish Settlements within the Present Limits of the United States. 1513–1561. By WOODBURY LOWERY. (New York: G. P. Putnam's Sons. 1901. Pp. 515.)

THE futility of human ambition, the helplessness of mere human effort when it tries to achieve that which is not, has never been illustrated more forcibly than in the records of the attempts made by the Spanish Conquistadores during the early sixteenth century to add portions of what is now the United States to the New World empire of Charles V. Spanish soldiers, settlers and priests accomplished marvellous things in the West Indies, in Mexico and Peru. In Florida and the Gulf region, in New Mexico and on the Nebraska prairies the same men could do nothing but wander about until hunger and debilitated energies forced those who had not died to leave the country. The reasons why this was so might afford an instructive subject for investigation by those who believe in the philosophy of history. They will find the material for their study admirably presented in Mr. Woodbury Lowery's carefully prepared account of the several attempts which the Spaniards made to explore the regions north from Havana and Mexico, prior to 1561. The men whose deeds he records, who struggled across the mountains and deserts of the west or pushed their way through the southern morasses, were as skilful as brave and as deserving of the reward as were those who secured the treasure hoards of Atahualpa and Motecuhzoma. And their reward, in the fame measured out by posterity, is as great. Thanks to another race, and circumstances past finding out, it has come to pass that the country explored disastrously by Ponce de Leon, de Soto and Vasquez Coronado is now a part of the territory of a great nation whose citizens are immensely interested in everything that is connected with its past.

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Mr. Lowery has devoted for several years a large share of his time and means to the study of this portion of Spanish-American history. Starting with the standard historical treatises, he has accepted their conclusions, verified their references and consulted the public and private sources of information opened to him by his influential Spanish connections. His narrative is based, perforce, upon the writings of previous investigators, Dr. Shea, Buckingham Smith, Bandelier, and the publications of the National Bureau of Ethnology, but he has substantiated their opinions by abundant references to the authorities. New, and true, facts would hardly be expected from the fields which have been so thoroughly gleaned by Sir Arthur Helps and Varnhagen, John Fiske and Barnard Shipp. Mr. Lowery has, however, been rewarded in his study of the original documents by bringing to light a number of important corrections of errors in the opinions of previous writers, especially in those parts of the field where he has been enabled to supplement his own researches by those of Mr. Hodge of the Smithsonian Institution. It is unfortunate, in this work which is quite certain to rank as a standard authority and a principal source of popular knowledge concerning a very interesting portion of American history, that the résumé of the latest results of investigation did not also include so important a contribution as Judge Coopwood's study of Cabeza de Vaca. However, this comment is perhaps the best tribute to the value and merit of the volume which Mr. Lowery has given us. He has provided a readable and reliable account of each of the early Spanish expeditions into what is now the United States. By careful and thorough search he has gathered all the available information, not only about the better known explorers whose names are in the text-books, but equally about the less important ventures, meaningless each by itself, which become significant when grouped together so that the bearing of each upon the whole movement of colonial development becomes apparent. He has brought together the scattered references to a score of random voyagers; stray wanderers, who survive only in chance allusions to otherwise unheard-of happenings, such as the puzzling "Pompey stone" in New York, or the story of a "Columbus church" in Florida. Equally interesting, and equally new to most readers, are the accounts of the early Spanish martyrs on this soil, men who died as nobly and as truly for the cross as any of their fellow missionaries in the first or the last of Christian centuries.

GEORGE PARKER WINSHIP.

English Politics in Early Virginia History. By ALEXANDER BROWN, D.C.L. (Boston and New York: Houghton, Mifflin and Co. 1901. Pp. vi, 277.)

DR. ALEXANDER BROWN has performed an important service for American scholarship in collecting and publishing a mass of hitherto unprinted material on early Virginia history, and in coördinating and rendering generally available additional material that was so scattered, or

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in such rare books, as to be difficult of use. With due recognition of Dr. Edward D. Neill's valuable work, it is not too much to say that Dr. Brown has most fully presented the history of the first successful colonization of England in America, in its due importance, as the work of a great and influential company of prominent Englishmen, and has shown the relations of the movement to the Spanish diplomacy and to the political struggles in England. To have transferred the center of gravity of early Virginia history from Pocahontas to the London company, is in itself a work that entitles him to the gratitude of serious historical students.

In his *Genesis of the United States*, Mr. Brown presented documentary material and annotations on the period from 1606 to 1616. This he followed by *The First Republic in America*, in which he traced Virginia history from 1606 to 1627. In the latter volume, Mr. Brown showed defects in his mode of treatment which unfortunately reappear in the present book. Nothing is more dangerous to judicious and discriminating historical work than to enlist on the side of a party. Mr. Brown is desirous that his readers shall understand that he writes from the point of view of the "patriot party," and in opposition to the point of view of the "court party." He holds a brief for the London company. This, in itself, would be less serious, if the historian allowed us to weigh his evidence and test the justice of his conclusions. But on some of the most important issues he cites no authorities; often he does not even name sources from which he quotes, and at times the reader is in the dark as to when Mr. Brown is giving the gist of a document, and when he is expressing his own opinions. The special student of Virginia historical material can, it is true, work out for himself the various printed bases of the assertions; but Mr. Brown has secured copies of unpublished manuscripts in the English public record office dealing with Virginia history up to 1624; and until he publishes his evidence the task of those who would weigh the value of his various statements is rendered particularly hard. Other natural organs of publication, like the *Virginia Magazine of History*, which started to publish Sainsbury's abstracts of these English documents, have suspended the publication because of Mr. Brown's announcement that he was preparing to issue them.

This failure to present specific evidence and citation of authority on which he bases controversial assertions is most unfortunate, for it detracts from the undoubted weight of many of Mr. Brown's contentions. It is earnestly to be hoped that he will find sufficient support to continue the documentary publication. His sacrifices and devotion to this task, as well as its intrinsic importance, entitle him to the thanks of students of our history. These documents, rather than Mr. Brown's views, will necessarily shape the opinion of historical scholars.

The argument of the present book is briefly as follows. The colonization of Virginia under the royal government provided by the first charter (1606) was a failure. The colonization by the London Company, under its charter of 1609, had for its purpose "'to lay hold on Virginia as a providence cast before them of double advantage,'—of escap-

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ing the tyranny of imperial government, and of establishing, as a refuge, a more free government in America" (p. 10). "It was not for the sake of gain, but for the sake of the special privileges, immunities, and liberal charter rights that our primary body politic undertook to settle this country at the expense of their own blood and treasure." In a word, Mr. Brown holds that Virginia antedated Massachusetts as a refuge provided by the opponents of the Stuart policy to which they could turn for political freedom. Mr. Brown describes the development of the King's hostility to the company in its relations to Spanish influence; he notes the efforts of the King in 1620 to prevent the election of the liberal Sir Edwin Sandys as treasurer of the company, and the efforts of the latter and his friends to have their charter confirmed, in the succeeding year, by act of Parliament. This was followed by the prorogation of Parliament, the arrest of Southampton, Sandys and Selden (the leaders of the company), and by that protestation of the House of Commons which was torn from the journal by the King himself. Mr. Brown connects these attacks by the King with his Spanish negotiations, and with the efforts of Spain to secure the colony, and to prejudice the King against the leaders of the company ("the seminary of sedition"). Mr. Brown also associates with these events the ordinance and constitution of 1621 providing for popular government in Virginia, and he notes the Bargrave case, which led to the latter's charges that "Sandys had told him his purpose was to erect a free popular state in Virginia in which the inhabitants should have no government put upon them but by their own consent," and that he was opposed to monarchy.

Mr. Brown's next contention is that the Crown aimed to suppress all the evidence favorable to the company, even by the seizure and destruction of its records, and that the official control of the press by license enabled him to exclude the company from publishing its side of the case, and to afford facilities to such works as John Smith's History. The latter he regards as personally "a man of straw," but the official narrator of the "court party"; his work has become the basis of American histories of Virginia, and thus the "patriot party" has been misrepresented and misunderstood. A considerable account is given of the later literature of the controversy down to the present time. Mr. Brown also contends that the provision for allowing a share in the company's stock to be obtained by personal adventure through settlement in Virginia, as well as by purchase, made the organization a body politic instead of a proprietory company, and rendered it possible to transfer the meetings of the company to America whenever a majority of the stockholders should be found in this country.

The criticism of these views must be brief. They are evidently too favorable to the purposes of the company. In extolling the framers of the charter of 1609, Mr. Brown apparently forgets that in its form of government it was the successor to a long line of other chartered English trading companies, of similar organization. He also places radical political opposition to the Crown too early in the reign of James in stressing

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the significance of the charter. The whole period of the despotic iron rule of Dale, under the system of a single absolute governor in Virginia (a system which was not terminated until 1618), and the system of shipping "debauched" classes to Virginia, of which even Dale and Delaware complained, cannot well be reconciled with the theory that the primary purpose on the part of the company in 1609 was to create a model free state in Virginia. It is not without significance that not until 1618 did the company provide for an assembly in Virginia, and at that time the company's fortunes were only saved by the institution of sub-companies who purchased stock to make particular plantations; these were unquestionably conducted as business ventures. The company, moreover, never had the homogeneity of interests that would be necessary to permit this attempt to make a free republic in America as a refuge for English liberals. Mr. Brown recklessly understates the commercial purposes of the company in his endeavor to show its political purposes. But the political struggles were closely related to the economic well-being of the company on each issue. It would be difficult to reconcile Dr. Brown's theory that the government could be removed to America, with those clauses of the charter of 1609 in which the council is named as resident in London.

That Sir Edwin Sandys was a leader in the cause of English liberty both at home and in Virginia, a large-minded and liberty-loving statesman, there is no doubt. But Mr. Brown has attributed purposes to the company, particularly in 1609, to sustain which he offers no adequate evidence. He has shown, however, important connections between Virginia and the English struggle for liberty at the close of the reign of James.

Mr. Brown strains a point in his endeavor to show the persistence of "court party" and "patriot" divisions among the historians of Virginia down to the present time. One must repress a smile when he finds Mr. Brown himself obliged to extenuate mishaps in his previous books, by which he has at times fallen from the sound platform of the patriot party. The truth is that historians have lacked complete evidence and have not sufficiently noted the bias of the authorities on which they base their accounts. Mr. Brown's emphasis on the strength of party feeling at this period is well founded, but he has not avoided the danger of being himself affected by these influences. Why should the case not be examined with cool-headed historical criticism free from "viewpoints" of any sort? In his survey of the history of the literature of the subject, he hardly gives adequate recognition to the valuable volumes of Dr. Neill by which the company's place in Virginia history was first made duly important.

It is much to be hoped that the author will soon supplement *The Genesis of the United States* with volumes containing the material for the later history of the company. This, rather than controversial writing, is what is now needed to make clear the early history of Virginia. Surely, there should also be sufficient historical interest in America to warrant the complete publication, not only of the English material, but also of

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the manuscripts at Washington, including the records of the London Company, so far as they are extant; these are now available only in abridged form.

FREDERICK J. TURNER.

Letters to Washington and Accompanying Papers. Published by the Society of the Colonial Dames of America. Edited by S. M. HAMILTON. Vol. III. (Boston and New York: Houghton, Mifflin and Co. 1901. Pp. xvi, 402.)

OF the material printed in Vol. III. of the *Letters to Washington*, the letters from George Mason, Crawford and Boucher, and the wills of members of the Washington family, have already been published. Of what remains, the most interesting series is that of Robert Stewart who continued in service after Washington had resigned, seeking first promotion in the royal forces, and then the means of securing a regiment for which he borrowed from Washington. Upon reaching London where he expected to make his influence serve to secure a commission, he was drawn into Lord Egmont's foolish but glittering scheme for settling St. Johns, and eventually received an appointment in Jamaica, which ill health obliged him to resign. More than forty of his letters appear in this volume. They show the interest of Washington in the welfare of his military comrades, and his readiness to receive their complaints and suggestions. Being now a member of the House of Burgesses his opinion on army questions carried much weight. A further reminder of his service was the grants of land made by the colony to the officers and soldiers of the Virginia regiment. Some delay in locating these grants had occurred, and Washington entered into the matter not only as an interested party but with the wish to obtain justice for his colleagues.

The volume thus covers the final months of his service on the frontiers, his marriage with Martha Custis, and the inception of the business interests of plantation management and land purchases which were to engross so much of his time and care. The most noticeable feature is the entire absence of family letters. The two letters from the Lewis family are the nearest approach, and the placing of "Jacky" Custis in charge of Jonathan Boucher may also be classed as a family affair. A few letters from the overseers and shipping agents bring us near to the business side of Washington's character. Yet the collection as a whole is disappointing, containing so little to throw light upon his more intimate relations. It is to be regretted that the opportunity thus generously offered by the Colonial Dames was not used to gather the more interesting letters to Washington scattered in many public and private collections.

I have had occasion to comment on the methods pursued by Mr. Hamilton in editing these volumes, and there is no evidence of improvement in this latest issue. An editor assumes the responsibility of at least giving an intelligible text, and to plead a *verbatim* reproduction is no excuse for errors of the writer that make the meaning obscure. A

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note of explanation is at least demanded. But Mr. Hamilton's omissions are not even open to this allowance and correction, and where palpable mistakes occur so frequently, doubt is cast upon the integrity of the whole text. Even bad writing and poor spelling will not account for such changes in names as are to be found in this volume. It was Adam Stephen, not Stephens, though Mr. Hamilton uses the latter in many notes and even in the table of contents. Why should "Levern and Stuart" (p. 247) become "Savern and Stuart" on p. 280; and "Fortin and Wing" (p. 182) be changed to "Fortin and Winey" on p. 192? Fairfax was a good writer, yet he is made to speak (p. 101) of the "London Flat" where "Fleet" is evidently the proper word. So *Spotward* (p. 87) is probably *Spotswood; St. Maloa* (p. 18) is correctly printed *St. Maloes* on p. 60; and *Oyrs* (p. 170) should be *Offrs*. These are but examples. Then did not Bouquet write of "entrenched camps" (p. 129) and not *extreme* camps, as Washington's reply uses the former term? Who was the *Gen.* Braxton mentioned on p. 187? Was it not *Geo.* Braxton? The William Gachen who wrote the letters on p. 267 was McGachen, and the Botomworth error for Bosomworth is repeated. The well-known *Colden* is printed *Colder* on p. 338, and the "&c[a]" on p. 173 does not convey any meaning until made into "& I." Such carelessness is exasperating as it throws upon the reader the difficult task of testing the accuracy of the reading, and the frequency of error is a serious blot upon a very creditable undertaking.

WORTHINGTON CHAUNCEY FORD.

Documentary History of the Struggle for Religious Liberty in Virginia. By CHARLES F. JAMES, D.D. (Lynchburg: J. P. Bell Company. 1900. Pp. 272.)

UP to 1699 there was no religious toleration in Virginia. The English Parliament had, indeed, passed the Act of Toleration in 1689, but ten years elapsed before it went into operation in Virginia. After a period of quiet, persecutions began in 1768, and with them began the struggle for religious liberty, in which a complete victory was not secured till 1802. It is this period of struggle, 1768–1802, that is covered by Dr. James's volume; he has brought together in convenient form the principal documents bearing on the movement, from the journal of the Virginia assembly, the resolutions and petitions of various religious bodies, and letters and other writings of Madison, Jefferson and other statesmen of the time, appending comments on the documents. Thus the book is not a connected history of the movement, but it gives the materials from which the reader may form his own judgment. The several stadia of the struggle and the attitudes of the principal religious bodies of the state are set forth clearly. Naturally the Episcopalians, being the Established Church, were opposed to any change in the existing order. The Presbyterians also, affected by the traditions of the Church of Scotland, showed at moments an inclination

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to favor the retention of some features of an establishment; in 1784 they favored a general assessment for the support of religion, but they withdrew from this position the next year, and in general were friends of liberty. The Methodists, who had as yet hardly separated formally from the Church of England, took no definite part in the contest. The Baptists were in the best position, by their history and their beliefs, to oppose all restrictions of the exercise of religion: they were the most radical of dissenters, and they had never had, as a body, any connection with the state. At the outset of the war they warmly espoused the side of the colonies, and thus found themselves in position to secure an extension of privileges; their petition to the Convention of 1775, that their ministers should be allowed to preach to their soldiers in camp, was granted. There has been a good deal of controversy on the question whether the Baptists or the Presbyterians took the lead in the demand for religious liberty in Virginia; the facts in the case are presented at length and in a spirit of fairness in this volume. It is asserted by Baptist historians that as early as 1775 the Baptists resolved to petition the convention for the abolition of the ecclesiastical establishment; but it does not appear that the petition was ever sent up. On this and similar points, such as the revision of the marriage-laws and the abolition of glebes, Dr. James is full and precise, and his volume will be found useful by all students of history.

C. H. Toy.

The History of South Carolina in the Revolution, 1775–1780. By Edward McCrady, LL.D. (New York: The Macmillan Co. 1901. Pp. 899.)

The volume of Mr. McCrady's narrative broadens and strengthens as he progresses. This, the third installment of his work, fully justifies its claim to the leading position among our state histories. More than 850 pages are here devoted to the history of the Revolution in South Carolina from its beginning to the close of 1780. Another volume will be required to trace the history of the Revolution to its close. If he continues on this scale through the first half of the nineteenth century, he will have produced one of the most elaborate of existing treatises on American history. When this and other works on South Carolina already in preparation shall be completed and published, we may suppose that the political history of that commonwealth will have been more thoroughly explored than that of any other.

As in the period of royal government, so here Mr. McCrady finds no competitor of importance of later date than Ramsay's *Revolution in South Carolina*. The *Memoirs* of Drayton, Moultrie, Lee, Tarleton; Draper's elaborate study of the battle of King's Mountain, and the biographies of the commanders engaged in the conflict illustrate each its phase of the subject. But none of these is more than a special study or a contribution of original material. These, with other studies like them, are the sources

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from which the author has drawn his facts, while in many parts he has added material from his own inquiries. This by criticism and comparison he has framed into a consistent whole. He presents a clear and reasonable view of the progress of the Revolution in South Carolina, one which is supported by the large array of facts which he cites. Very little help seems to have been derived from unprinted sources, while of those in print the memoirs of Drayton and the monograph of Draper have been used most extensively. It is true that, as the author states, he has followed Draper very closely in his account of all which concerns King's Mountain.

This volume, like the subject to which it is devoted, falls naturally into two parts. It is concerned first with the origin and development of the Revolution in the low country, the coast district of the province, among the merchants, planters and political leaders of that region. This preliminary act in the drama closed with the surrender of Charleston early in 1780. Then, owing to the mistaken policy of the British commanders, Clinton and Cornwallis, tragedy began in earnest with action in bewildering variety and succession, the rising of the upper counties with the partisan warfare which desolated them till the close of the struggle. This was the real Revolution in South Carolina.

The work is thorough, sane and well balanced throughout. The distinguishing feature of the first part is the clearness with which the author shows that by the great majority of the people even of the low country, not independence, but only a redress of grievances was consciously sought; and that their grievances were different in character from those of Massachusetts and far inferior in degree. A study of the characters of William Henry Drayton and Christopher Gadsden is given, which shows how remote their ideals were from those of the majority of their fellow-citizens but yet how by energy and address they seized control of the political machinery of the province and ran it in the interest of the Revolutionary cause. They were enabled to do this because of the concentration of political power in the lower counties. Still when in February, 1776, Gadsden, in the provincial congress declared himself in favor of independence, his utterance was received with astonishment and abhorrence. John Rutledge, the most trusted among the political leaders in Charleston, did not abandon the hope of reconciliation till the progress of the war in 1778 compelled him so to do. The reasons for the failure of the leaders of the coast to commit the upcountry to the Revolution are made clear. The influence of action by the other colonies at Philadelphia and elsewhere and that of personal leadership and party conflicts in the state itself are noted. A critical, essentially a moderate loyalist attitude is maintained by the author in his discussion of the entire subject. His conclusion is—not unlike that of Ramsay's—"that the people of South Carolina without any original design on their part were step by step drawn into the revolution and war, which involved them in every species of difficulty and finally dissevered them from the mother country."

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The leading feature of the second part of the volume is the fullness of detail with which the partizan warfare of 1780 in the upper counties is described. By no other writer has this part of the subject been treated with such minuteness. The outbreak of this conflict was due to the issue of orders by the British, after the state had been practically conquered, which compelled all to choose between imprisonment and active service on the side of the King. This effort artificially to stimulate loyalism, taken in connection with the brutality and greed of the English soldiery, forced the entire northern part of the state into insurrection. By the unaided efforts of the people, under leaders many of whom had no commissions, the progress of the British was checked, and the effects of the American defeat at Camden largely overcome. This proved the turning point of the war in the south, if not throughout the continent, and at least saved the South from ultimate submission to England. This explains the reason for the emphasis laid by the author on this phase of the subject, and for what he declares will be his continued insistence upon it when, in his next volume, he undertakes to describe the campaign of Greene.

With the above is connected a theory, elaborated in Chapter XIV. and elsewhere, to the effect that Washington, and the leaders of the Revolution in its early stages in South Carolina, were wrong in insisting that the chief dependence should be placed on a regular army, raised, paid and organized after the European model. This form of military force, the writer believes, was not suited to American conditions, and has been to a large extent abandoned by the United States in its later wars. What was needed instead was "an organization in which men of the highest character may serve in the ranks from patriotism, regardless of pay; an organization which, formed by enlistment for definite periods—sometimes for a whole war—combines the permanence of a regular force with the superior zeal and character of the patriot." South Carolina, in the opinion of the author, affords a vivid illustration of what may be accomplished by spontaneous popular effort. But it may be suggested that Washington's system made ample provision for the voluntary service of patriots, if they would only enlist in sufficient numbers and for sufficiently long periods of time. The fact is, a people cannot be depended on to do what was accomplished in South Carolina, or in Prussia during the War of Liberation, except under extraordinary pressure, when their homes and lives are actually imperilled. No sweeping conclusions can be drawn from such exceptional conditions. Other provision must be made for the continuous work of defense. HERBERT L. OSGOOD.

Loyalism in New York During the American Revolution. By ALEXANDER CLARENCE FLICK, PH.D. (New York: The Columbia University Press; The Macmillan Co. 1901. Pp. 282.)

THE appearance of an unprejudiced and scientifically contructed work upon the subject of the Tory in the American Revolution is gratifying

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to all who wish a right understanding of our national genesis. The author has approached his subject with a desire to know the truth, even though the results of his investigation may humble his pride in the patriotism of his ancestors. The work has been done in a careful and scholarly manner, but certain conclusions have been reached which do not seem justified by the evidence presented.

For example, Dr. Flick finds the origin of the Loyalist party in the aristocrats of 1689, the faction that opposed Leisler. This seems to be a mistake, for it can not be shown, I think, that these distinctions of the earlier revolution persisted for seventy-five years or more. It is true that there had been parties in the colonial history of New York, and doubtless their opposing leaders came from the same classes as the leaders of the Revolutionary parties; but the rank and file beyond question joined one party or the other only on the spur of the moment, influenced by some trifle, by personal spite, obstinacy, economic interest or by the influence of friends and family connections; their motives were in the main without roots in the past.

It is doubtful also whether, as the author asserts, "the colonial parties were primarily religious and social." In what purports to be a summary of the forces and influences which laid the foundation for the Loyalist party (p. 14), the economic causes are omitted though they are indicated elsewhere. As a matter of fact, he shows by his own accumulation of facts that economic interests more frequently determined party sympathy than did the religious or social influences. Even those who appear as religious champions were influenced by economic considerations. Many persons were dependent for their stipends upon the English Church; Anglican ministers led in pamphlet writing because they were defending their pecuniary interests, not because their religion was attacked. In brief, Dr. Flick seems to have laid too much emphasis upon the assertion that loyalism had a religious and political side; that men were loyal because the Anglican religion forbade rebellion and commanded submission in the last resort.

Of the social status of the Loyalist, Dr. Flick says that there were all grades of worth and unworthiness; royal officers, large landed proprietors, professional classes, wealthy commercial classes, conservative farmers, colonial politicians, and the conservative masses. He speaks of the official class as the nucleus about which the Loyal party rallied. The assertion is not quite accurate; the official class would naturally have formed the center of opposition to the Whigs, but they were in fact ineffective in staying the progress of the Revolution, because they failed to act without awaiting the initiative from the mother country. Moreover the nationality of the Tories is described as being in a "vast majority" English. This seems to be disputed by facts upon which the author has put some emphasis; the large number of Scotch in the Mohawk Valley, the Dutch of Long Island and New York City, made a large fraction of the loyal population. The lists of Tory names contained in the manuscript—"Transcript of Books and Papers of American Loyalists"—show a good proportion of men not English in origin.

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The activity of the Tories is well portrayed. Their public protests against the progress of rebellion mark the earlier stages. Later they enlisted with the British, or formed militia companies, or fitted out privateers to help "free themselves with the aid of the Royal troops," as they expressed it. In New York Governor Tryon was very active in this work. As many as 15,000 Loyalists seem to have been enlisted in the British army, while 8,500 entered the loyal militia. This is compared with the 41,633 soldiers who joined the patriot ranks during the Revolution.

Dr. Flick has made an estimate of the number of Loyalists and has studied carefully the methods in which they were treated by their victorious opponents. He estimates the number of Loyalists in New York at 90,000, of whom 35,000 were exiled, while the rest accepted the new conditions and remained. At the beginning the Tories were variously maltreated by the mob; afterwards they were customarily brought before an inquisitorial commission of some sort, the Continental Congress, the Provincial Congress, a general committee on Tories, county or district committees. Those who were found guilty of aiding the enemy in any way were, on conviction, disarmed, outlawed, and compelled to retract, fined or similarly punished. Confiscation of property was also resorted to, and the author declares that the funds realized from confiscation in the state approximated 3,150,000 dollars in Spanish coin. The book likewise contains an elaborate treatment of the emigration of the Loyalists and of the compensation granted them by the British government.

It must be said that the author seems on the whole to have confined his exposition too much to the hard, concrete facts of the history, without giving enough attention to the spirit which animated the partizans. He does not exhibit their passions, their bigotry, their fierce zeal, their intolerance and abiding hatred. But the tone of the work is fair, and there is throughout the whole an atmosphere of trained scientific accuracy and of patience in thorough investigation. The proof reading was carelessly done, but such minor faults do not conceal a scholarly method of work.

C. H. Van Tyne.

The Life and Correspondence of Rufus King, Comprising his Letters, Private and Official, his Public Documents and his Speeches. Edited by his grandson, Charles R. King. Volume VI., 1816–1827. (New York: G. P. Putnam's Sons. 1900. Pp. 729.)

The sixth and concluding volume of this series, covering a period of eleven years, or the "era of good feeling," is, as were the previous ones, remarkably full on the political side of our history, and curiously lacking in any other interests. In one of his letters, King dwells on the intellectual poverty of his country, remarking "the truth is we have no scholars," and his own correspondence, with its absolute absorption in politics, but bears out his statement and serves to illustrate the limitations

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of American life :—a narrowness and concentration which doubtless had much to do with the development of the great statesmen of two generations, who with the broadening out of American life seem to have totally disappeared. In 1823 Verplanck notes that "leaders have less power over the party, whose views he may oppose, than formerly," nor are they able to excite the same party heats, but King's correspondents do not seem to have recognized that party feeling flows from the individual to the party, and not from the party to the individual. Especially is this marked in the present volume in the controversy over Missouri. King made himself the leader of the opposition to the admission of the state with slavery, asserting that, if it were permitted, "not only the Presidency, but the Supreme Judiciary, at least a majority of its members, will forever hereafter come from the slave region"; but he complains that the North did not support him. In this connection it is interesting to record an opinion expressed by Quincy, who advocates the allowance of slavery in the western states, because "unless it is permitted they would overrun the country and drive us all into the sea," a danger he hoped to escape by the inevitable weakening effect of slavery upon them (p. 273). An interesting contrast of opinion is furnished by that of King in 1818, that national assimilation had progressed to the point when "apprehensions concerning the divisions of the states may be safely dismissed; no nation being more homogeneous or more firmly united," to the prediction of Peters but two years later that there will presently be "three or four governments, republican or monarchical" in the space between the Mississippi and the Pacific. Another illustration of the value of political prophecy is King's assertion that there will be one free state north of Missouri, but that the "country further west is a prairie resembling the steppes of Tartary, without wood or water." In passing it is interesting to note King's plea to the New York convention to omit all reference to slavery in the Constitution then under consideration, because "the enslaving of black men may hereafter be forgotten; and should we not forbear to make our constitution a record thereof?" There is much concerning the independence of South America and the development of the Monroe Doctrine, the acquisition of Florida, the presidential election of 1824, the United States bank, the tariff and internal improvements. Although King was protectionist enough to even look forward to the absolute prohibition of foreign "coarse cottons and fine woollens," and had the "fullest confidence" that the time would come when the manufactures of our country will be "as greatly distinguished when compared with foreign manufactures, as our ships and mariners are now distinguished," he yet was able to see the danger that there will be a tendency to "encourage one branch of domestic industry at the expense of another; to tax domestic industry in the building and navigation of ships in order to sustain domestic industry in the raising and dressing of hemp, the making of iron, and sail-cloth." Curiously enough there seems to be no appreciation by any of King's correspondents of the importance of internal improvements in a party sense; that the West, strongly Democratic, was

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more strongly for roads and canals is recognized again and again, and that the administration, equally Democratic, is as strongly opposed to such improvements, is often referred to; but the opportunity of the old Federalist party, pledged as it was to broad construction, to regain power by this means, is entirely neglected.

A parting word on a particular feature of the whole series is not amiss. While it is a misnomer to term the present work in any sense a "Life," one quality deserves particular notice. In all the collected writings of our great statesmen only the letters of each, with an occasional excerpt from some other writer, is printed, but in that under review the letters to King have been included, making it a work of peculiar completeness and value, and we venture to assert that no edition of the writings of the fathers can be truly satisfactory to the historian, or definitive, without this feature.

In closing the last volume of this very valuable collection it is regrettable to note certain misprints which do not seem to have been necessary, such as the confusion resulting from the Erving (p. 63) and the Ewing (p. 71); the twice turning of Gales, of the *National Intelligencer* into Gates (pp. 293 and 559); and the obvious mistake of *during* for *dining*, at page 453. Nor is the index by any means up to the otherwise high standard of editing. PAUL LEICESTER FORD.

The Autobiography of a Journalist. By WILLIAM JAMES STILLMAN. (Boston and New York: Houghton, Mifflin and Co. 1901. Two vols., pp. vii, 743.)

THIS is the story of a wide experience and much adventure and vicissitude told with such frankness as suggests the *Confessions* of Rousseau, though here there is nothing shameful to relate. The most subjective parts are the most interesting and important, and these are to be found in the first volume to a much fuller extent than in the second. It is where Mr. Stillman is writing intimately about himself and the development of his own mind and character that his fascination is complete and it is hardly less so when he is writing of men well known to us in literature or art. It is where, as in the second volume, he is dealing with large events, of which he saw much, and was an active part, such as the insurrection in Crete and that in Herzegovina, that the interest of his narration sometimes flags. This is less the fault of the events than of the manner in which they are presented. The chapters covering them are mainly summaries and compressions of more elaborate treatments of the same subjects which Mr. Stillman has put forth in books and in his correspondence with one journal or another, and it is where his style is most expansive that it is most attractive; conversely it is least so where his narrative is most condensed. At points where the situation was most complicated he has a way of thinking underground and modestly assuming that his readers know quite as much as he does about Turko-Russian wars and politics. Yet these aspects of his book are, no doubt, those with which the AMERICAN HISTORICAL REVIEW should, as such, be

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most deeply concerned. There is no doubt material here for the historian, and there are personal adventures in Crete and Montenegro which the picaresque novels of the time might borrow without loss to their most characteristic tone.

The wide range of Mr. Stillman's experience in his maturer years contrasts vividly with the narrowness of that enclosure of Seventh-Day Baptist thought and feeling in which his parents were born and bred, "a community of Bible disputants such as even Massachusetts could not show." This was in Newport, and we have a living picture of the mother as she was among the children and others of her father's family. One of her brothers being drafted into the militia service, she with her sisters, in twenty-four hours, caught and clipped a sheep, spun the wool, wove the cloth, and made up a suit of serviceable clothes in which to send the brother to the wars. There is much of such detail, but of more importance is the mother's spiritual portraiture, with features that the son inherited and which have been modified but not fundamentally altered by a religious development which ultimately brought him into spiritual companionship with Darwin and Huxley and their kind. Son after son she hoped would be a minister and in the case of William she clung longest to this hope, but she brought no urgency to bear. It was to be the Lord's doing, and marvellous in her eyes; no work of her own hands. Taken in its entirety the picture of the mother would justify these volumes, if they contained nothing else.

With fine indifference to mere facts and dates Mr. Stillman omits the date and place of his own birth, (Schenectady, N. Y., June 1, 1828), but the removal of the family from Rhode Island is made sufficiently plain. This meant that one of the boy's great teachers would be the forest and not the ocean, as it might otherwise have been. For assistant teacher he had his father, whose love of the woods, and especially of their animal life, was a conspicuous trait. We find the father utterly broken with grief over a parrot's accidental death. Yet he was not in most respects a tender-hearted man. His son did not find him so and "*one* impulse from a vernal wood" was remembered as of critical importance. This was a scourging inflicted by the father with two pear-tree switches of good thickness which were broken to the stumps over the boy's back, his shirt his sole defense. This for a good action which involved tardiness at dinner. Naturally the boy ran away, but when he came back there were no more floggings. We shall not go far astray if we derive much of Stillman's later wandering as a reaction from the harsh confinement of his early years.

An infant prodigy, an attack of typhoid fever in his eighth year made him a model of stupidity till he was fourteen. But the seven intervening years were years of nature-worship and of religious experience that left him with much to cherish, much to be outgrown. There was a period of utter misery with a brother in New York whose wife was mad with jealousy of anyone for whom her husband cared. Next came a few terms at the De Ruyter Academy where he had Charles Dudley

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Warner for a school-mate, and he remembers him as full of delicate promise of the man he came to be. It was here that the mental fog broke up as suddenly as it had settled down. From the academy he went to Union College, his own wishes and his father's being overborne by the collective family wisdom, which was foolishness as Mr. Stillman sees it from the summit of his retrospective years. His college course spoiled him for an artist and he ultimately drifted into journalism, as a result of the facility for writing developed by his literary studies at Union. It seems possible that a purely literary life would have been better suited to his genius than journalism or art. His account of Dr. Nott, the president of Union, is one of many of his brilliant and effective characterizations. These include Ruskin, the Rossettis, Turner of whom he could say *vidi tantum* without meaning much, and the Cambridge set in America. The chapters on the famous Adirondack Club, which was of Stillman's institution, are of striking interest, and there is an amusing account of Emerson's gun which deterred Longfellow from joining the party. These chapters and that on Lowell invite comparison with Mr. Howells's reminiscences touching Lowell and Emerson and their friends. Norton and Lowell were friends in need to Mr. Stillman, whose pecuniary straits were of frequent recurrence. He was able to receive their bounty without loss of self-respect and one feels that those who have money cannot use it better than for the necessities of a man who has so much that is of greater value, but which is not marketable. "On a Mission for Kossuth" is a chapter which is not flattering to the Hungarian patriot nor to Mr. Stillman's practical judgment. The mission was a wild-goose chase for crown jewels in Hungary. Mr. Stillman's admiration for Ruskin was so great that he named his boy for him, the boy whose sickness and death furnish these volumes with their most pathetic episode. But this admiration made havoc of Mr. Stillman's career as an artist, putting him, following Ruskin, on the scent of nature when he should have been upon the scent of art. It was Mr. Stillman's connection with the London *Times* that gave him pre-eminently his standing as a journalist. Much about this and the *Times* editors is interesting; much also about Mr. Stillman's Roman consulate and that in Crete. But best of all is the self-portraiture, direct and indirect, of a profound idealist, whose life has not been successful measured by our popular standards, but has been immensely so measured by others which bring to life and character a more absolute and final test.

JOHN WHITE CHADWICK.

The Government of Minnesota, its History and Administration. By FRANK L. MCVEY, Ph.D., Professor of Economics in the University of Minnesota. (New York: The Macmillan Company. 1901. Pp. 236.)

MR. MCVEY'S book is one of the numerous text-books on state governments which have appeared in recent years. The movement is a good

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one, and can hardly fail to increase greatly both knowledge and interest in what was once a much neglected subject. The stories of the Pilgrim fathers and of the Revolutionary War were familiar to everybody, and the main features of the Federal Constitution and government were well understood. The more prosaic events which marked the development of states, however, and the method by which this coequal branch of our federal system was managed, gave little interest except to politicians and newspaper editors. Perhaps the great growth of national sentiment which came from the circumstances of the Civil War may have been an added cause for relegating the states to indifference. States' rights, the common man would say, had nearly destroyed the republic. Therefore he cared little for states and everything for the nation.

But the common man would be largely wrong in this view. It was not states' rights, but a mistaken view as to just what rights the states had, which led to the Civil War. That under the Federal Constitution there are some rights, many rights, which belong exclusively to the states, and with which the federal government may not legally meddle, is incontestable. That secession from the Union is one of those rights, the war has answered in the negative. That the states are sovereign, in the sense that they are in constitutional possession of many powers which commonly mark independent nations, is beyond dispute. That states are sovereign in the sense in which independent nations may be so called, in other words that states are legally entitled to all sovereign powers, is, and from the first was, utterly wrong. But on the other hand that the federal government is a sovereign government in that same unlimited sense, as the Supreme Court seemed inclined to regard it in the case of Juilliard *vs.* Greenman, is also utterly wrong. In short, we need that our notions of the states and their place in our system should be defined with scientific precision. In order to do this we need a better knowledge of what the states are, of what they have done, and of what they are attempting to do now. Such books as the one under consideration are calculated to give just that knowledge.

The first ten chapters of the volume are devoted to an outline of the history of Minnesota. It has features of peculiar interest. The French were the first white men within the limits of the state—the adventurous Daniel Graysolon, Sieur Du Lhut (whose name has been preserved in the prosaic English form "Duluth"), and the mendacious Franciscan monk, Father Hennepin, being the best known of the early explorers. Later the fur traders penetrated the forests and lakes and floated on the rivers of Minnesota, their rivalry culminating in the long struggle between the Hudson Bay Company and the American companies. In 1822 Fort Snelling was built and garrisoned, and an enterprising commandant of that post sowed a little wheat, to ascertain if indeed that cereal could be raised so far north. Fort Snelling is connected with the famous Dred Scott decision of the Supreme Court. Dred was the slave of an army surgeon, and was for some time at the fort with his master, and hence in the territory bought of France north of the Missouri Compromise line.

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The settlement of Minnesota shares with that of the other northwestern states in some features of exceptional strength. The northern parts of Ohio, Indiana and Illinois, with all of Iowa, Wisconsin and Minnesota, had a large initial immigration from New England and the old middle states. The foreign born immigrants are largely from Germany and the Scandinavian lands. The result is a stability and force among the people which give a very sterling character to social development. Minnesota has no room for social and political vagaries.

The material wealth of the state has come from the mine, the forest, the field and the mill. Valuable iron mines skirt Lake Superior, great pine forests covered the northern counties, immense wheat fields and the greatest flouring mills in the world have poured out riches without stint.

The major part of Mr. McVey's book is, of course, devoted to a description of the Minnesota government. This presents few unusual features, the main principles being those common to all the states. But Minnesota shows the vigor of its intelligent population in many devices which make for good government. The Australian ballot, the Torrens system of land registration, a corrupt-practices act, these are on the statute books of many states. High license and the so-called patrol limits are the Minnesota method of regulating the liquor traffic. City government in Minnesota is an extreme development of the principle of home rule—going even further than in California, and much further than in New York, with its paltry local veto. In Minnesota cities may frame and amend their own charter, subject only to some general provisions. City councils, under the general law, are composed of aldermen chosen partly from wards and partly at large. In ordinary cases a three-fourth's vote of the council is necessary to overrule the mayor's veto. In some cases, however, a unanimous vote of the council is required for that purpose, and in still other cases the mayor's veto is absolute. The general law also provides for what Mr. McVey calls "Civil service"—in other words, for the merit system in the city civil service. Primary elections are also protected by law in a very drastic way.

Minnesota is a young state. The Sioux massacre of 1863 did not happen so long ago as that of Wyoming, and Gen. Sibley's campaign of punishment is more recent than the Pequot war. The ten thousand lakes of the north star state are quite as beautiful as those of Maine or the Adirondacks, and the falls of Minnehaha (which Longfellow never saw) still plash with the song of Hiawatha. Minnesota blood was poured out freely on the battle fields of the Civil War—few deeds ring more like a trumpet call than the charge of the First Minnesota at Gettysburg—and it was quite as red as that shed behind the breastworks on Breed's Hill. Ramsay and Windom and Cushman Davis are names well known at Washington, and the Minnesota State University with its 3,700 students is one of the most efficient and one of the largest institutions of learning in the country. It is a state worth knowing, and Mr. McVey has sketched it with a true hand. Some day a historian should treat of Minnesota on large lines, as a typical American commonwealth.

HARRY PRATT JUDSON.

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The Police Power of the State and Decisions thereon as Illustrating the Development and Value of Case Law. By ALFRED RUSSELL, LL.D. (Chicago: Callaghan and Co. 1900. Pp. 204.)

FIFTEEN years ago, Professor Tiedeman, of the University of Missouri, published a bulky volume on the *Limitations of Police Power in the United States*, with the aim of showing that legislative absolutism was under stronger restraint here than in any other country. Mr. Russell has taken up the subject from another point of view. He makes use of the history of our dealings with the police power as illustrating the efficiency of the American courts in determining the limits of legislation by the effect of its opinions, no less than by its judgments. To set aside a statute as an unconstitutional exercise of the police power is one thing: to justify the action by a well-reasoned argument is another, and such an argument, coming from the highest possible source of human authority, carries a double weight. Statutes, however, are seldom thus set aside. The judiciary ordinarily is found supporting the action of the legislative department.

Mr. Russell is no friend of codification. He quotes with approval these observations made by Lord Esher in 1897, when retiring from the bench: "The law of England is not a science; it is a practical application of the rules of right and wrong to the particular case before the court. And the canon of law is that that rule should be adopted and applied to the case which people of honor and candor and fairness in such a transaction would apply to each other. Now, if that be so, if any supposed rule of law is put forward which would prevent the rule of right being applied, the supposed rule of law must be wrong." It is from the records of this practical application of the rules of right and wrong to particular cases that Mr. Russell has made up his book. It is a chapter of judicial history.

The evolution of the doctrine of freedom of contract is sketched at some length. It is here that American courts have, of late years, pushed their power farthest, in setting aside acts of legislation. As applying to the relations of labor to capital and of organized labor to unorganized labor, it is a subject of deep interest to the economist, and this treatise puts the present state of the law before him in a convenient form.

The Fourteenth Amendment to the Constitution of the United States necessarily claims also a large place. It has reconstituted the relations of the states to the United States in respect to the police power, and extended enormously the sweep of federal jurisdiction. This the author is disposed to welcome, in view of the fact that, according to his estimate (p. 189), nine-tenths of the statutes passed by the states in 1899 were enacted in the exercise of the police power, and in support of the theories of the populist against the interest of the property owner.

Mr. Russell writes in a clear and scholarly way, and has selected his authorities judiciously. His general conclusions are these: "What-

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ever is contrary to public policy or inimical to the public interests, is subject to the police power of the State and is within legislative control. And, in the exercise of such power, the Legislature is vested with a large discretion, which, if exercised *bona fide* for the protection of the public, is beyond the reach of judicial inquiry."

SIMEON E. BALDWIN.

While the question of a monographic history of the United States, discussed by the American Historical Association at its last meeting, is still undecided, a monographic history of France, of very nearly the plan and scope proposed for the American undertaking, has begun to appear under the general editorship of Ernest Lavisse (*Histoire de France depuis les Origines jusqu'à la Révolution.* Paris: Hachette). The list of collaborators reaches thirteen names, all of approved scholarship and some of them scholars of the first rank. The volumes which have already appeared give us every reason to hope that we are about to have, what has been long so much desired, a history of France, not too detailed but on a plan broad enough to include all departments of the national life and fully abreast with the best results of modern investigation. Such a work will be warmly welcomed, not merely in France but throughout the reading world.

The plan provides for eight volumes of something more than 800 pages each, which will appear in half volumes, and of these four have already been published: Vol. I., Pt. II., on Gaul before the Franks by Professor G. Bloch of the University of Lyons, and Vol. II., Pt. II. and the whole of Vol. III., covering the history from the beginning of the continuous Capetian period to 1328, the first two half volumes to the death of Louis VIII. by Luchaire, and the third by Langlois. The price of each half volume is six francs. The general history of civilization—institutional and social history are to be covered as well as political history. Not quite so much attention is given to bibliography as in the *Histoire Générale* of Lavisse and Rambaud, but the best monographic studies are noted with some critical remarks, and notes of a supplementary sort, that add detail to the text or give reasons and evidence for conclusions, are more numerous than in the *Histoire Générale.*

Vol. I., Pt. II. opens with a brief account of prehistoric France. It is slightly more full on independent Gaul, and devotes three quarters of the volume to Gaul under the Romans. As would naturally be expected the political history of this period receives less attention than the history of civilization, and the treatment of the Roman government is especially detailed, particularly that of the local government and of the "city." Taken as a monograph by itself, independent of its relation to the rest of the series, the book would form a very useful manual on Roman Gaul, on the organization and government of that province through which Roman institutions were destined to the most permanent influence on later Europe. Searching reviews by specialists have discovered very few errors

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in it, and the Academy has pronounced its judgment in its favor by awarding it 1500 francs from the prize Thérouanne.

The period which has been assigned to Luchaire, from 987 to 1226, is that which he has made peculiarly his own and the institutional history of which is treated in his well-known books. Here the account of the political history, which occupies about one half of the whole space, meets a greater present need, and of this the portion devoted to the reign of Philip Augustus is of especial value. On the other side, the ecclesiastical organization and feudalism receive the most attention, and an unusual and useful feature is the full history of the greal local feudal dynasties. Less space is given to the communal movement than would have been expected.

Of the period of Vol. III. Pt. II., from 1226 to 1328, it is peculiarly true that a general account combining the results of scattered monographs, until now not brought together in any trustworthy summary, is welcome. Langlois does more than this, however, for the book is in many respects an independent study. Particularly noteworthy are the thorough analysis of the character of St. Louis—an impartial balancing of his piety, justice, and righteous intentions with his occasional deviations from the path of wise policy: Il est peut-être le seul roi honnête homme qui, respecté de son vivant, ait été mis après sa mort au nombre des grands rois; and the account of the conflict between Philip IV. and Boniface VIII.—the Pope yields completely in the first conflict, the bull *Ausculta fili* was probably burnt but it was by accident, the parody of the Pope's bull and the pretended answer of the King, about which doubt has been expressed, were certainly put in circulation, the bull *Unam sanctam* is authentic, there could have been no meeting between Philip and Bertrand de Got before the election of the latter to the papacy but there was undoubtedly an understanding between them. The war between Philip IV. and Edward I. is passed over very lightly, but Langlois inclines to the view of English scholars that Edward was made the victim of a trick of Philip's in the formal surrender of Guienne at the beginning of the war. The intellectual and artistic movements of the time, including the universities, have chapters to themselves, and in his chapter on the French society of the thirteenth century Langlois allows in great part the romances to speak for themselves with interesting results.

The objection that is frequently urged against the monographic plan for writing the general history of a nation, that differences of style and method of treatment would seriously affect the unity of the work, does not lie to any extent against this work so far as it has yet appeared. The style of these writers is plain, straightforward, and business-like. No attempt has been made to create a great literary work, or to treat history as a branch of the fine arts, or to unfold the drama of humanity. But pains have evidently been taken to give a simple and clear account of the facts as they were, free from confusing detail, in all the chief departments of national activity, and with success. Those who are interested either for or against the plan of a similar history of the United

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States will probably find it instructive to study this work as it appears. If it should be continued, as it is likely to be, on the same scale and with the same standard of accuracy and interest, it should be made accessible to English readers. It could perform a mission of great usefulness in taking the place of Guizot as a library history of France.

The fourth part of the well-known *Grundriss der romanischen Philologie* edited by Professor Gustav Gröber is devoted to the history of the Romance peoples. Besides brief chapters by Schultz on the history of Romance culture and art, and by Windelband on the history of science among the Romance peoples, it contains a very useful discussion of the *Quellen und Hilfsmittel zur Geschichte der romanischen Völker im Mittelalter* by Professor Harry Bresslau of the University of Strassburg.

C. H. H.

Professor F. W. Maitland has performed a welcome service to students of the history both of political theory and of law by translating from the third volume of Professor Otto Gierke's *Das deutsche Genossenschaftsrecht* the section entitled *Die publicistischen Lehren des Mittelalters*. This he has given us in English under the title *Political Theories of the Middle Ages*. (Cambridge: The University Press. New York: Macmillan.) Dr. Gierke's main subject is the legal doctrine of corporations, and his object is to defend the original German conception of "fellowship," as Mr. Maitland translates *Genossenschaft* against the theory of "fictious personality" which took its place at the time of the reception of the Roman law. The section translated is a review of the ideas held in the Middle Ages regarding the State, Church and State, political organization, sovereignty, the monarch, the people, popular sovereignty, representation, the personality of people, Church and State, etc. It is of special interest that we are given a discussion not merely of the ideas of the theorists, but also, in so far as they became matters of record, of those of the statesmen and churchmen, especially of the latter, who created institutions and determined the direction of their growth. While Mr. Maitland's Introduction is addressed rather to the lawyer or to the student of political theory than to the student of history, it is interesting and stimulating as everything is that he writes, and the text and notes are full of suggestion of direct historical bearing.

Dr. Felix Liebermann continues the publication of his studies preliminary to the third part of his *Gesetze der Angelsachsen* with a paper on the *Leges Henrici Primi*, dedicated to the memory of Bishop Stubbs. In one particular at least, the present publication rivals in interest the remarkable study of the *Quadripartitus* published some years ago. Dr. Liebermann identifies the author of the *Leges Henrici* with the author of the *Quadripartitus*, and does so with a wealth of evidence that carries conviction with it. The place, time and purpose of the composition; the age, nationality and profession of the author; his attitude towards the contemporary conflict between Church and State, and towards the court, government and governmental policy; his view of the institutional

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relation of his own time to the Anglo-Saxon; the evident use of the *Quadripartitus* in an unfinished form, as well as in later recensions; the use of the same foreign authorities on Frankish and canon law; and similar peculiarities of style and use of unusual words, of which a long list is given, these are some of the evidences of a common authorship. Dr. Liebermann thinks it probable that the writer originally intended the *Leges* for the promised third book of the *Quadripartitus*. A conjectural biography of the author, based on facts and inferences drawn from both books, forms a most interesting conclusion to the two studies. The thoroughness of Dr. Liebermann's investigation of all questions connected with these texts in one way reconciles us to the long delay in their publication, but in another it increases our impatience. G. B. A.

Histoire de l' Université de Genève, I. L'Académie de Calvin, 1559–1798. Par Charles Borgeaud. (Genève, George et Cie, 1900, pp. xvi, 664.) This work was undertaken at the instance of the *Société académique de Genève*, an association of friends of the university, who desired to bring forward the educational history of the city for the national exposition of Switzerland in 1896. The task proved too great for the time allowed and it was perhaps better that a volume of such importance should appear later when due attention could be given to it. The work is a monument of erudition and is printed and bound in a form of sumptuous dignity, worthy of a great institution of learning. Numerous full-page portraits represent the more famous men who have held chairs in Geneva, and many facsimiles of documents add interest to the narrative.

After a brief introduction to the earlier history of the University of Geneva, the author proceeds at once to the work of Calvin, the real founder of the modern institution. The inauguration of the "college and university" occurred in 1559. At the death of Calvin, five years later, there were 1,200 pupils in the college and 300 students in the university.

The author divides the history into four great parts: I. The work of Calvin; II. Theodore Beza; III. The reign of Theology; IV. The Century of Philosophers. In each of these epochs the university works in a different atmosphere, but the list of famous persons who taught within its walls grows continuously from beginning to end.

Of interest to American scholarship is the account of the negotiations with Jefferson for the removal of the university to America. During the French Revolution the professors became anxious as to their fate and as to their freedom of speech. About that time Jefferson was founding the University of Virginia and was looking abroad for professors. He was particularly pleased with Edinburgh and Geneva and thought seriously of importing the whole faculty from the latter place to the country. Other counsels prevailed. The author has employed some hitherto unpublished data in connection with the studies of H. B. Adams on this subject. Throughout the whole work Professor Borgeaud has added to his reputation for skill in profound research.

J. M. Vincent.

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The Rise of the Swiss Republic: A History. By W. D. McCrackan, M.A. Second edition, revised and enlarged. (New York: Henry Holt and Co., 1901, pp. viii, 423.) Mr. McCrackan approached the history of Switzerland after considerable length of residence in the country. His early education in the schools gave him ground upon which to base the observations of his maturer years. He had already written entertainingly upon the traditions and anecdotal history of places in Switzerland before publishing this more serious work in 1892.

For convenience of treatment the author has divided the volume into five books. These correspond in a measure to as many periods in Swiss history, but one must not insist on finding a logical consistency in all cases, for the subject is not so easily subdivided. Mr. McCrackan is right in not devoting much space to the prehistoric and Roman periods. Archæologically speaking, the Lake Dwellers, the Helvetians and the Romans are intensely interesting, but in the development of the Swiss Republic they had perhaps less to do than the geologic ages which preceded them. The nation is founded on Teutonic ideas and the real history begins with the Alamannic invasion.

Book II. develops the formation of the primitive leagues of three into the confederation of eight small states. In this part the author's account of the legend of William Tell will be interesting to readers who desire examples of tradition transformed for a time into history. Under the Confederation of Thirteen, Switzerland became the fighting nation of Europe. It held the balance of power by lending its soldiers to the neighboring countries in turn, and expanded its territory somewhat at their expense. Yet Swiss government was of the frailest sort, giving the author occasion to make interesting comparisons with the American colonies.

The chapters on the modern constitutions give opportunity for further comparison, and Mr. McCrackan finds in Switzerland numerous institutions which might be adopted in America. These are summed up in the last chapter on Twentieth Century Switzerland, which is the enlargement of the book. Otherwise the volume is reprinted page for page. The bibliography is comprehensive, but contains no literature later than 1892. The translation of the Federal Constitution omits four important amendments. J. M. VINCENT.

Letters and Papers of Admiral of the Fleet Sir Thos. Byam Martin, G.C.B., edited by Sir Richard Vesey Hamilton, G.C.B., Admiral. Vol. III. [Publications of the Navy Records Society, Vol. XIX.] (London: printed for the Society, 1901, pp. xxii, 399.) The interest of this volume is of a quite different sort from that of Volume II. The latter was occupied with the naval events of the great Napoleonic war. The present volume, though it contains a few pieces which belong to the year 1814 or to the Hundred Days, is practically a record of naval administration during years of peace. Indeed the correspondence, which occupies the first half of the volume, extends from 1814 quite to the end

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of the long years of peace in 1854 and to the naval preparations for the Crimean War. From 1815 to 1831 Sir Byam Martin was comptroller of the navy and head of the Navy Board. His letters during these years show us an energetic, capable, upright, intelligent and open-minded official, and illustrate many interesting points of naval administration and procedure. In 1831 Lord Grey's ministry, in which Sir James Graham was first lord of the Admiralty, displaced him on political grounds. Martin's account of the transaction is a very spicy one, and, though of course *ex parte*, is sufficiently supported by documents to cast a strong light on the manner in which a reform ministry may deal with even non-political offices. Martin, who held one of the seats for Portsmouth, would not promise to aid the government by opposing Sir George Cockburn in his contest for the other seat; and this soon led to his removal, much to the grief of the Sailor King.

From this time until his death in 1854 Martin continued in retirement. The letters show that his high rank, distinguished services, clear head and honorable character caused his advice to be sought, upon a variety of points, by friends still actively engaged in the service. More interesting, though quite too miscellaneous for review, is a body of "Reminiscences and Notes," extending as far back as Lord Keppel's acquittal by court-martial in 1779, and embracing many entertaining anecdotes flavored with salt and with high toryism. Mention should also be made of an account of the affair of Basque Roads (April 1809) derived from the intercepted papers of an officer on board the French flagship; and of a series of Arctic letters which Sir John Ross wrote to Martin at Prince Regent's Inlet, 1830 to 1833, which he left there when, hardly expecting to escape, he abandoned his encampment there, and which were brought to England by a whaler ten years later.

Admiral Vesey Hamilton's notes, the intelligent comments of a modern admiral, add much to the interest of the book.

The History of Suffrage in Virginia, by Julian A. Chandler (Baltimore, Johns Hopkins Press, 1901, pp. 76), is a chapter of a larger work on the constitutional history of the state which the author has in preparation. After a hurried and somewhat unsatisfactory treatment of the laws in force before 1830, the steps are more carefully traced by which manhood suffrage was finally established. The difficulties of the Reconstruction period are presented in clear and simple form and with apparent fairness. The reader is impressed with the antithesis between the Eastern and Western sections of the state and with the fact that the democratic movement found its strength in very large measure in the frontier portions of the community. The severance of West Virginia from the Old Dominion can be readily understood by anyone who appreciates the differing sentiments of the people as they appear in the discussions on the subject of suffrage at various times in the history of the commonwealth. One or two statements are open to criticism. It is not strictly correct to speak of Monroe as a "representative of the American Government in

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France at the opening of the French Revolution" (p. 27). It is also incorrect to say that Jefferson's *Notes on Virginia* appeared in 1783. If the writer is to prepare a thorough constitutional history he must cast aside the idea that the Virginians of 1776 did not understand "the meaning of their famous Declaration of Rights which declared that 'all men are by nature equally free and independent'" (p. 22). This phrase does not mean that all men are entitled to the right to vote, but that when they were in a state of nature they were equally free and independent.

The statute requirement of the State of West Virginia that local history and local government should be taught in the public schools of the state is responsible for *The History and Government of West Virginia*, by Richard Ellsworth Fast and Hu Maxwell (The Acme Publishing Company). However laudable this desire to perpetuate local history, now being adopted by many states, the results must vary in accord with the quality and quantity of historical material at the disposal of text makers. The civil government portion of such a book finds no difficulties of this kind and at the same time is more evidently justifiable.

West Virginia as a state made from a state and as the border or buffer for the old state against transmontane foes does not lend itself readily to such a proposition. It is a gruesome tale which the authors have made; a long list of Indian uprisings, massacres, and burnings. One questions the advisability of preserving these sanguinary details at the expense of an overcrowded school curriculum. It may be that military history appeals more to youth than the simple story of the conquests of man over nature, but as one reads the eighty pages of this recital, one wishes that the manners and customs of the courageous ancestors of these West Virginia boys and girls could have occupied more than six pages; that the gradual development of the natural resources of the state had been described; that the influence of topography on the movements of the people had found more space; that the interesting colonial history of old Virginia might have been considered more of a heritage for the West Virginia of to-day; and especially that the people of the mountain part of the state might have been considered part of the great history of the Old Dominion before the Rebellion.

In proof of what might have been done by the authors, the best writing in the historical part of the book is contained in the descriptions of tide-water and up-land Virginia, as two separate peoples for many decades before separation. One fifteenth of the money represented in the bonded debt of the state had been spent in the mountainous regions. The story of the separation is also clearly told.

Although the authors are presumably correct in their local history, there are a number of questionable statements when they touch on general United States history. The proclamation of 1763 finds foundation for its refusal to allow settlers in western country in the fact that they should wait "until the land should be purchased from the Indians,"

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rather than in the statement of the proclamation itself, namely, that they "should not be molested or disturbed" in their possessions. Most present-day writers will not agree with the statement that the Quebec Act was passed "for weakening the colonies," and "to rob Pennsylvania and Virginia of their western lands." Fewer will include Pennsylvania in the list when the act specifically runs the line "thence along the west boundary of the said province."

George Rogers Clark appears as George *Roger Clarke*, that spelling of the family name being frequently repeated. Logan appears as "Lagan." No doubt this is one of the many errors in proof-reading which abound. The statement is made (p. 439) that the colonies became free on the fourth day of July and on the same day resolutions were brought forward for the formation of a confederation. Perhaps desire to prevent confusion in the minds of pupils may account for dating independence from the declaration rather than the motion, but that cannot justify setting forward the date of bringing in the draft of the Articles from July 12 to July 4. Some confusing inconsistencies appear, as when the unauthorized occupation of the northern forts by the British is first stated as lasting "more than ten years" and in the next paragraph as "two years later" than 1783.

The description of the parts of local government of the state seems to be well arranged and within the comprehension of children. A brief and rather inadequate description of the workings of the national government completes the volume of over 500 pages. The use of cheap paper or printer's ink which allows the type to show through in places, the appearance of "quads" or "spaces" in the line of text, and the presence of such a blot as obscures the text on page 495 are deplorable in a text-book where a due regard for the eyesight of pupils should demand an unusually clear print. EDWIN E. SPARKS.

A History of Adams County, Ohio, by Nelson W. Evans and Emmons B. Stivers (West Union, Ohio, E. B. Stivers, pp. viii, 946), is a work of more than local interest. The most important remains of the Mound-Builders, the early navigation of the Ohio River by pioneers through the country of the Shawnee Indians, the surveyor's share in developing the Northwest Territory, the erection of the first counties in the territory, and the setting in operation of the first county and township governments, preface the more ordinary matters, such as tales of pioneers, records of courts, and of executive authorities, military rosters, and biographies of leading citizens. The authors have produced a volume of nine hundred and twenty pages, and have divided their work into four parts. Part I. is a history of Adams County as a whole followed by histories of its several townships; Part III. is devoted to pioneer sketches and Part IV. to biographical sketches. The first of these parts contains much material of general interest, though it would be of greater value to the student of the history of the Old Northwest if the larger matters were treated in a more compact form with less intermingling of personal affairs. This portion

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of the work is written from the Jeffersonian point of view taking the side of Nathaniel Massie and Thomas Worthington against Governor St. Clair and the Federalists. The authors clearly show how it came about that the veto power was withheld from the governor in opposition to St. Clair's claims. The history of this early period is accurate and makes very extensive use of the first-hand records. If the more strictly local matters of the later parts of the work are equally free from error, the book is one of the best of its type. M. L. H.

Congressional Grants of Land in Aid of Railways. [Doctoral dissertation, University of Wisconsin.] By John Bell Sanborn, Ph.D., Madison, 1899, pp. 130. This monograph has several merits. In the first place, it treats the question of congressional land grants in aid of railways as a part of the general land policy of the United States. In the second place, it treats this question in its connection with the homestead laws, with tariff legislation, and other political and public questions which claimed the attention of Congress during the land grant period. It is also a merit of the monograph that it is the work of a student of the history of legislation rather than of a student of transportation. By this I would not be understood as saying that the latter topic is less instructive in itself than the former, but it is a satisfaction to read a monograph, especially one presented as a doctor's thesis, which confines itself to a single line of investigation. Were I to indulge in a critical suggestion, it would be to the effect that the author fails to appreciate the political significance of the Pacific railroad grants as keenly as he appreciates that of the first great land grant, namely, the grant to the Illinois Central Railroad. The error in this case, if it be an error, arises from the fact that he relies for his impressions almost entirely upon the recorded debates of Congress. It is probable that the political considerations which lay back of the Pacific railroad grants touch a larger number of interests than those of any other grant made by Congress. But it was not possible under the conditions of the time that these considerations should have been always expressed. This monograph is well worthy a prominent place in the library of the student of American history or of transportation, for it presents in concise and orderly manner the main facts relating to railway land grants. HENRY C. ADAMS.

The Report on Canadian Archives for 1900, by Dr. Douglas Brymner, archivist of the Dominion (Sessional Paper No. 18 for 1901, pp. 418), continues his calendars of state papers for Upper and Lower Canada, respectively, from 1832 to 1835. Certain papers on education and emigration are printed at full length. The copies of state papers for the Canadas, down to 1840, have been received and made accessible at Ottawa. Copies have also been completed of the Bougainville papers, sent from Quimper, Brittany, by Mme. de Saint Sauveur Bougainville and M. de Kerallain.

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COMMUNICATION

Through my own carelessness I overlooked the note printed on p. 181 of the issue of the REVIEW for October, 1900, but I trust you will permit me to give some reasons for not regarding it as conclusive. While the particular items are of little importance in themselves, they illustrate what I believe to be one of the cardinal rules of good editing of original material. And first as to the name which Mr. Hamilton insists is Botomworth. In the *Official Army List*, issued by the British War Office, the name is given as Bosomworth. In the *Correspondence of Horatio Sharpe*, of Maryland, it is printed Bosomworth. In the *Bouquet Correspondence* there are five letters from Bosomworth; in two of Bouquet's own letters Bosomworth is mentioned, and in one of Loudoun's letters the name is Bosomworth. Now, Mr. Brymner and his copyists could not have had any interest in making the spelling of so unimportant a man uniform, and the references are widely separated in his *Calendar of the Bouquet Papers*. In my opinion a conscientious editor would first examine contemporary readings of the name before introducing an entirely new reading, one not to be found in any work of standing, and one that seems to rest simply upon the guess of the editor. I cannot regard the tracing as conclusive when the weight of evidence is so strong on the other side.

Then as to the spelling of the word Conococheig. The Indian names of places have been almost as badly treated as the Indians themselves, and have been often mangled beyond recognition. Yet even in such cases a general rule of treatment will be of service as indicating a common pronunciation, to which in cases of doubt the spelling may be made to conform. In the many different ways of spelling this particular word, by far the largest number point to a last syllable cheig, cheague, cheeg, or a *k* in place of the *g*, that is, the last syllable has an *e* sound. Under these circumstances an editor is, in my opinion, justified in reading this *e* sound into the most variable spellings, provided the proper number of strokes of the pen are present, or with some such basis to rest a change upon. Therefore, whenever the tracing shows two strokes of the pen, they should be read as *ee* or *ie* or *ei*, as these letters express the sound which the general consensus of forms shows. To introduce a *u* is to do violence to the text and mislead unnecessarily the reader. My complaint has been that Mr. Hamilton goes out of his way to read strange forms into the text before him, and especially proper names. The two items given are but samples of what appears to me to be his carelessness, for he has not adduced a single good reason why he read a doubtful letter into Botomworth, or refused to recognize the general acceptance of the *e* sound in the name of the place.

WORTHINGTON C. FORD.

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NOTES AND NEWS

The seventeenth annual meeting of the American Historical Association will be held in Washington, Friday, Saturday, Monday, and Tuesday, December 27, 28, 30, and 31, beginning Friday evening and closing Tuesday noon. The American Economic Association will hold its meetings at the same time and place, and arrangements have been made for two joint sessions of the societies, one for the addresses of the presidents and another for the discussion of some subject of common interest. Besides the business meeting and the meeting of the church history section, it is expected that there will be four general sessions of the Historical Association, devoted respectively to European history, general American history, Southern history, and some topics connected with the teaching of history and the preservation of historical records. Preliminary programmes will be sent out early in November.

John Fiske, without doubt deservedly the most popular historical writer in America, died on July 4, at East Gloucester, Mass. He was born in 1842 at Hartford, Connecticut, and showed as a child a surprising precocity in the same lines in which as a man he won distinction, mastering with equal ease Greek, Latin and all the modern languages, mathematics and the classic English writers at an age when most children are in their spelling books. Graduating from Harvard in 1863, he took the two years' course in the Harvard Law School, but did not enter upon practice. From 1869 to 1879 he was connected with Harvard University, first as lecturer on philosophy, later as instructor in history and for the last seven years as assistant librarian. After 1879 he devoted himself to historical and literary work and especially to lecturing, in which he won an extraordinary success. He wrote voluminously on philosophical, theological and historical subjects besides contributing many brief articles in literary and scientific fields, his greatest single work being the *Outlines of Cosmic Philosophy*, in which as a disciple of Darwin and Spencer he applied the evolutionary idea to the existing universe. As an historian his work lay in the field of early American development. Here with unusual charm of style and a grasp of facts which increased in depth and certainty as successive volumes appeared, he produced in irregular order a series of books which covers the years from the discovery of America to the adoption of the Federal Constitution. Their titles are: *The Critical Period of American History*, 1888; *The Beginnings of New England*, 1889; *The American Revolu-*

[The department of Notes and News is under the general management of Earle W. Dow and Theodore C. Smith.]

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tion, 1891 ; *The Discovery of America*, 1892 ; *Old Virginia and Her Neighbors*, 1897 ; *The Dutch and Quaker Colonies*, 1899 ; and *New England and New France*, which was unfinished at the time of his death. Other historical books are : *Civil Government*, 1889 ; *American Political Ideas*, 1885 ; *A History of the United States for Schools*, 1894, and *The Mississippi Valley in the Civil War*, 1900. Mr. Fiske's works covered familiar fields and are not, and were not intended to be, works of erudition ; but they are based on a wide study of sources as well as secondary authorities and are of the highest value as popular histories from their breadth of view, fairness, frankness and unequaled clearness of exposition. His death while in the prime of his working powers is a grave loss to American historical writing.

Professor Herbert Baxter Adams, for nearly a quarter of a century at the head of the Department of History at Johns Hopkins University, died at Amherst, Massachusetts, on July 30. He was born in Shutesbury, Massachusetts, in 1850, graduated at Amherst in 1872, and then took the degree of Ph.D. at Heidelberg. Returning to the United States he began at once his long connection with Johns Hopkins University which was terminated only when ill health forced his resignation last year. Professor Adams was a voluminous writer, though his work was mainly monographic, his one long book being the *Life and Writings of Jared Sparks*, published in 1893 ; but his influence and his interests lay more in organizing and inspiring than in historical production of the ordinary kind. His activity in his own sphere was such as to make him one of the moving forces in American university life. At Johns Hopkins he created a school of vigorous historical study whose graduates are to be found in all parts of the United States, but this was by no means the limit of his influence. By his monographs in the years 1881–1885 on the *Germanic Origin of New England Towns* and related subjects he kindled an interest in the study of local institutions. He wrote and talked frequently on methods of historical study, the teaching of history, on public education, on university extension. He edited the long and successful series of *Johns Hopkins University Studies*, and, for the United States Bureau of Education, the series of volumes entitled *Contributions to American Educational History*.

Finally to him perhaps more than to any other one man is due the foundation and successful career of the American Historical Association, which he served as secretary until less than a year ago when his health forced him to relinquish the burden. The death of such a man means the passing of one of the most successful organizers and inspirers of American historical activities.

William James Stillman, artist, art critic and journalist, died July 6 at Frimley Green, Surrey, England. He was born at Schenectady, New York, 1828, graduated from Union College in 1848, and led a varied career, mostly in Europe since that time. In his later years he served as United States consul at Rome and then in Crete, afterwards living in

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Italy as correspondent of the London *Times* and various New York papers. Besides numerous writings on aesthetic and literary subjects, and an autobiography, he published several volumes of an historical character: *The Cretan Insurrection of 1866–68*, in 1874; *Herzegovina*, in 1877; *The Union of Italy, 1815–1895*, in 1898; and a biography of Crispi in 1899.

James Ford Rhodes, LL.D., has been awarded the Loubat prize of 3,000 marks for the best modern work in American History, written in the past ten years. The Duc de Loubat, who is partly American by descent and is distinguished for his interest in American historical research, established this prize three years ago under the guardianship of the Königlich Preussische Akademie der Wissenschaften, and this, the first award, is made in consideration of Mr. Rhodes's "History of the United States since the Compromise of 1850."

Prof. W. J. Ashley has resigned his professorship of economic history at Harvard University to accept the first chair in the new Faculty of Commerce of the University of Birmingham.

Dr. Carl Becker has been appointed instructor in history in Dartmouth College, and Dr. Norman M. Trenholme takes charge of the history department at the Pennsylvania State College.

At the coming meeting of the New England History Teachers' Association two reports are to be presented of pedagogical importance. A committee of six consisting of Professors Foster, Perrin, Kendall and Start and Drs. Henderson and Cushing has published a preliminary report on methods of history teaching in secondary schools, with portions of a syllabus or guide based upon the recommendations of the committee of seven. This is to be tested by actual operation and discussed at the next meeting in October. Another committee composed of Professors Hazen, Hart, Bourne, and Farrand, and Miss Sarah M. Dean has nearly ready for the press an elaborate *Report on Historical Sources for Schools*, also based on the recommendations of the committee of seven. It will contain annotated lists of sources written in or translated into English, arranged according to the divisions Ancient, Medieval and Modern, English and American, and also a list of topics with references to appropriate sources. This is expected to aid teachers in the selection of books for school libraries and in the actual use of sources in teaching.

The African Society, recently founded in memory of Miss Mary Kingsley, will devote itself to the study of all subjects connected with the great continent; it hopes to become a working information bureau for Africa. Its first object, however, will be the study of native languages, institutions, customs, religions and antiquities. A part of its work will be to publish a Quarterly Journal, and communications are invited from all who are able to assist in furthering the objects of the society. The headquarters of the society is at present at 22. Albemarle Street, London, W.

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The proceedings of the International Congress of Catholic Savants, of which the fifth convention was held in Munich last year, contains numerous articles of interest to historical students (Munich, Herder).

The second and concluding volume of Mühlbrecht's *Wegweiser durch die neuere Litteratur der Rechts- und Staatswissenschaften* was recently published. This volume covers the years 1893–1900, and includes publications in all the leading countries.

Messrs. Macmillan and Company announce for this fall a series of historical atlases by Dr. Emil Reich: an *Atlas Antiquus* and a *New Historical Atlas for British History*, each of fifty small quarto maps; and a *New Historical Atlas for Modern History*, of fifteen maps, atlas size. The maps in each atlas, it is stated, are drawn on a new graphic plan, in colors, and from original sources; and are accompanied by an explanatory text (in Latin in the *Atlas Antiquus*) and an alphabetical index.

Mr. M. Morison's *Time Table of Modern History, A. D. 400–1870* (London, Constable), includes, besides the usual material of such books, a number of maps, by Messrs. W. and A. K. Johnston.

Professor Theodor Lindner, of Halle, has recently published *Geschichts-philosophie. Einleitung zu einer Weltgeschichte seit der Völkerwanderung* (Stuttgart, Cotta).

ANCIENT HISTORY.

Mr. H. R. Hall has lately published *Oldest Civilization of Greece: Studies of the Mycenean Age* (London, Nutt).

In the *Early Age of Greece* (Cambridge, University Press), Professor William Ridgeway attempts to solve, by the deductive method, some of the chief problems of early Greek history. The first volume treats of the monumental, traditional and linguistic aspects of the subject; the second will deal with institutions and religion.

In the *Revue de Synthèse Historique* for June, M. A. Puech, of the University of Paris, has a suggestive review of recent work on the history of Christian Greek literature.

The Royal Archaeological Institute has been established at Rome, Palazzo Odescalchi, with Professor Pelham, of Oxford, as its head.

A useful repertory of literature relating to Italy and western Europe in ancient times is to be found in the first volume of the catalogue of the Royal German Archaeological Institute in Rome, carefully compiled by the librarian of the institute, Dr. August Mau (Rome, Loescher).

The first fascicles are at hand of the grand *Thesaurus Linguae Latinae*, the publication of which has been undertaken by the Academies of Berlin, Vienna, Leipzig and Göttingen (Leipzig, Teubner).

Mr. A. H. J. Greenidge has lately published, at the Clarendon Press, an important original work on *Legal Procedure of Cicero's Time*, and to Messrs. Macmillan's "Handbooks of Archaeological Antiquities" he has contributed an account of *Roman Public Life*.

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The Clarendon Press has issued a new and enlarged edition of Professor Sohm's *Institutes*. Among other changes in the work is the addition of an excellent chapter on the fate of the Roman law since the completion of Justinian's Corpus.

Noteworthy articles in periodicals: Ad. Brieger, *Das Atomistische System durch Correctur des Anaxagoreischen Entstanden* (Hermes, XXXVI. 2); U. Wilcken, *Zu den pseudo-Aristotelischen Oeconomica* (Hermes, XXXVI. 2); Gaston Boissier, *La Conception de l'Histoire dans Tacite* (Revue des Deux-Mondes, July 15); Th. Mommsen, *Die Diocletianische Reichspräfectur* (Hermes, XXXVI. 2); O. Seeck, *Die Selbstverwaltung der Städte im Römerreiche* (Deutsche Rundschau, August and September).

EARLY CHURCH HISTORY.

The main purpose of *The Post-Apostolic Age*, by the Rev. Dr. Lucius Waterman, is to make church history interesting to lay readers and to apply some of its lessons to our own times. Bishop Potter supplies an introduction.

Die Kirchengeschichte des Eusebius aus dem Syrischen Uebersetz, by E. Nestle, appears in Texte und Untersuchungen, new series, VI. 2 (Leipzig, Hinrichs).

Noteworthy articles in periodicals: A. Harnack, *Vorstudie zu einer Geschichte der Verbreitung des Christenthums in den ersten drei Jahrhunderten* (Sitzungsberichte der königlich preussischen Akademie der Wissenschaften, July 18); C. Erbes, *Petrus nicht in Rom sondern in Jerusalem Gestorben* (Zeitschrift für Kirchengeschichte, XXII. 2); V. Ermoni, *Les Monarchiens Anténicéens* (Revue des Questions Historiques, July); Abbé F. Nau, *Le Texte Grec Original de la Vie de S. Paul de Thèbes* (Analecta Bollandiana, XX. 2); *The Holy Eucharist: an Historical Inquiry*, I. (Church Quarterly Review, July).

MEDIEVAL HISTORY.

At the last Congress of the International Association of Academies the section for Letters took definite steps toward the publication of a Corpus of Greek charters of the Middle Ages and of an encyclopedia of Islam.

The sixth and last fascicle of the main part of the *Bibliotheca Hagiographica Latina* is now ready. The work will be completed by a *Supplement*, announced for this October, which is to indicate editions published since the printing of the *Bibliotheca* was begun, together with earlier editions not previously noted.

In *Les Premières Invasions Arabes dans l'Afrique du Nord* (Paris, Leroux), M. Maurice Caudel has made considerable advance upon the works of his predecessors. He has the advantage especially of a personal acquaintance with the region in which those invasions took place.

Mr. G. Le Strange's *Baghdad during the Abbasid Caliphate*, written from contemporary and Persian sources, contains valuable notices on the history of civilization as Baghdad had a part in it (Clarendon Press).

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Girolamo Savonarola, by E. L. S. Horsburgh (London, Methuen), and *Savonarola*, by Dr. George M'Hardy (Edinburgh, Clark), are both books for the general reader.

Noteworthy articles in periodicals: J. Kaufmann, *Die Vorgeschichte der Zauber- und Hexenprozesse im Mittelalter* (Neue Jahrbücher für das klassische Alterthum, VII. 4, 5); Hanz Prutz, *The Economic Development of Western Europe under the Influence of the Crusades* (International Monthly, August); C. Huit, *Note sur l'État des Études Grecques en Italie et en France du XIV^e^ au XVI^e^ Siècle* (Revue des Études Grecques, March–April).

MODERN HISTORY.

The formation of a *Société d'Histoire Moderne* is in progress, under the auspices of several prominent professors and scholars in France. It proposes to group scientific workers in modern history; to contribute to the organization of work by monthly sessions, by the publication of a Bulletin, and by establishing a correspondence between the society and its provincial and foreign adherents; and, when its resources permit, to undertake or subsidize the publication of texts, and to create working tools, of which modern history now has comparatively few.

It is announced that Dr. J. W. Thompson, of the University of Chicago, is preparing a bibliography of the history of the relations between England and France in the 14th and 15th centuries.

M. L.-H. Labande has published, from the original manuscript and with introduction and notes, *Un Diplomate Français à la Cour de Catherine II., 1775–1780*, being the private journal of the Chevalier de Corberon, then Chargé d'Affaires for France in Russia (Paris, Plon).

Mr. Arthur Hassall is issuing, through Messrs. Bell, a third and revised edition of Dyer's *History of Modern Europe*. He will also bring the work down to the end of the nineteenth century. The first and second volumes cover the years 1453–1585.

The Macmillan Co. has published the final volume of their European History Series, *Modern Europe, 1815–1899*, by W. A. Phillips.

The Cambridge University Press has in preparation *A History of Education from the Beginnings of the Renaissance*, by William H. Woodward; and *A Brief History of Geographical Discovery since 1840*, by F. H. H. Guillemard.

M. Élie Halévy has published, through MM. Alcan, *La Formation du Radicalisme Philosophique: I. La Jeunesse de Bentham; II. L'Évolution de la Doctrine Utilitaire de 1789 à 1815*.

Beginning in the June number of the *Deutsche Rundschau* Dr. Richard Ehrenburg follows up his article on the Fuggers by a series of similar articles on the Rothschilds.

Messrs. Longmans have lately brought out *Armenia: Travels and Studies*, by Mr. H. F. B. Lynch; a comprehensive work marked by thoroughness and careful study of authorities.

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Messrs. G. P. Putman's Sons publish Mr. M. Townsend's *Asia and Europe*, which consists of "studies presenting conclusions formed by the author in a long life devoted to relations between Asia and Europe."

Messrs. Scribners announce for October Mr. Henry Norman's new book on *All the Russias*. It contains travel sketches and studies of contemporary conditions in Russia, Siberia, Finland, the Caucasus and Central Asia, and is profusely illustrated from the author's own photographs.

M. Henri Cordier has written a *Histoire des Relations de la Chine avec les Puissances Occidentales* (1860–1890). The first volume, already published, deals with *L'Empereur Toung-Tché* (1864–1875); the second volume is in the press.

An important addition to the literature concerning the Far East is Mr. Henry Savage Landor's two volumes on *China and the Allies*, published by Charles Scribner's Sons.

In *The "Arrow" War with China* Professor Charles S. Leavenworth, of Nanyang College, Shanghai, gives an account of the seizure of part of the crew of the English lorcha Arrow and the hauling down of the British flag by the Chinese in 1856, and of the war and other consequences that followed (London, Low).

Noteworthy articles in periodicals: G. F. Preuss, *Oesterreich, Frankreich und Bayern in der spanischen Erbfolgefrage*, 1685–1689, I. (Historische Vierteljahrschrift, IV. 3); Émile Ollivier, *Napoléon III. et Bismarck en Pologne* (Revue des Deux-Mondes, July 15); W. Miller, *Europe and the Ottoman Power before the Nineteenth Century* (English Historical Review, July); Gustav Roloff, *Zu den Aufängen der modernen Kolonisation* (Preussische Jahrbücher, August); Charles de Coutouly, *Un Homme d'État Afrikanderiste: Jan Hendrik Brand* (Revue Historique, July).

GREAT BRITAIN AND IRELAND.

Messrs. Dodd, Mead and Co. expect to issue this autumn the concluding volume of Andrew Lang's *History of Scotland*.

Mr. Robert S. Rait has published recently, with Messrs. Blackie and Son, a rapid sketch of Anglo-Scottish relations down to the Union, *An Outline of the Relations between England and Scotland*, 500–1707; and in extended and amended form a Stanhope prize essay, *The Scottish Parliament before the Union of the Crowns*.

Mr. J. Bain's *The Edwards in Scotland, 1296–1377*, the Rhind Lectures in Archæology for 1900, has been published by Douglas.

The January and April numbers of the AMERICAN HISTORICAL REVIEW will contain a series of studies on "The English Social Revolt of 1381," prepared by Professor George Kriehn.

Volume V. of the *Letters Received by the East India Company from its Servants in the East*, edited by Mr. W. Foster, covers January to June, 1617 (London, Low).

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Mr. R. C. H. Catterall has a brief account of some recent literature on Oliver Cromwell, in the *Year-Book of the Bibliographical Society of Chicago*, 1900–1901.

Dr. Gardiner's *Cromwell*, originally issued in Messrs. Goupil's illustrated historical series, has been republished in a revised and handier form by Longmans, Green and Co.

The recently published third volume of Mr. Inderwick's *Calendar of Inner Temple Records* covers the years 1660–1714. This work is to be discontinued, at least for the present.

The fourth volume of the series "Scottish History from Contemporary Writers" is devoted to *The Chevalier de St. George and the Jacobite Movements in his Favour*, 1701–1720 (David Nutt).

The Military Life of Field-Marshal George, First Marquess Townshend, by Col. C. V. F. Townshend, C.B. (London, Murray), is an attempt to vindicate the military reputation of Wolfe's successor at Quebec.

A German life of William Pitt, the Younger, by Felix Salomon, has begun to appear (Leipzig, Teubner). The part now issued is entitled *Die Grundlagen*. The first volume is to bring the subject down to 1793.

The Navy Records Society intends to print *The Journal of Captain* (afterwards Sir John) *Narbrough*, 1672–1673, to be edited by Professor J. K. Laughton; a *Calendar of the MSS. in the Pepsian Library*, to be edited by Mr. J. R. Tanner; *Official Documents illustrating the Social Life and Internal Discipline of the Navy in the Eighteenth Century*, edited by Laughton; *Documents relating to the Suppression of the Jacobin Revolution at Naples in June, 1799*, to be edited by Mr. H. C. Gutteridge; *Reminiscences of Commander James Anthony Gardner*, 1775–1806, to be edited by Admiral Sir R. Vesey Hamilton; *The Correspondence of Admiral John Markham*, to be edited by Sir Clements R. Markham; and a *Collection of Naval Songs and Ballads* to be edited by Mr. C. H. Firth and Mr. Henry Newbolt.

Noteworthy articles in periodicals: F. W. Maitland, *William Stubbs, Bishop of Oxford* (English Historical Review, July); F. Baring, *The Making of the New Forest* (English Historical Review, July); Basil Williams, *The Foreign Policy of England under Walpole*, VI. (English Historical Review, July); G. S. Street, *The Betting Book at Brooks's* (North American Review, July); Woodrow Wilson, *Edmund Burke and the French Revolution* (Century, September).

FRANCE.

The Revue d'Histoire Moderne et Contemporaine begins, in the first number (May–June) of its third volume, a *Revue des Périodiques*, where will be found an indication and an analysis of the articles relating to the modern and contemporary history of France that have appeared in the principal French reviews. The editors announce that later in the year

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they will undertake the same service in reference to articles in foreign reviews.

Monsieur Auguste Molinier now has in press (Picard) the first volume of his long-expected *Manuel de Bibliographie Historique*, a repertory of sources relating to the history of France during the Middle Ages. This volume is devoted to the Merovingian and Carolingian periods. The work is very detailed, and doubtless of a character to form a landmark in the history of French scholarship. Also, M. Molinier has lately finished, with the publication of the second volume, the *Correspondance Administrative d'Alfonso de Poitiers* (Collection de Documents Inédits). In an introduction he deals at some length with the personal government of Alfonso and makes important contributions to the history of French institutions.

The latest addition to the *Collection de Textes pour Servir à l'Étude et à l'Enseignement de l'Histoire* is a volume of *Statutes d'Hotels-Dieu et de Léprosies*, edited by M. Léon le Grand, of the Archives Nationales. The documents included belong to the twelfth, thirteenth and fourteenth centuries (Paris, Picard et Fils).

The second volume of *Rôles Gascons*, transcribed and published by M. Charles Bémont, recently issued in the *Collection des Documents Inédits*, relates to the years 1273–1290 (Paris, Leroux).

The members of the French School at Rome have brought out the first pages of *Les Registres de Martin IV.* Also M. Auguste Coulon, of the Archives Nationales, has begun the publication of the Registers of Pope John XXII. so far as they relate to France.

The name of François de Fénelon appears in two lists of autumn announcements. Messrs. Longmans are publishing a volume entitled *Fénelon: His Friends and His Enemies*, 1651–1715, by E. K. Sanders; and Messrs. Methuen announce *The Life of François de Fénelon*, by Viscount St. Cyres.

Volume XVI. of the *Receuil des Instructions aux Ambassadeurs de France* is devoted to Prussia. It is edited, with introduction and notes, by M. Albert Waddington (Paris, Alcan).

The *Inventaire Analytique des Procès-Verbaux du Conseil de Commerce et Bureau du Commerce de 1700 à 1791*, begun by M. P. Bonnasieux and completed by M. E. Lelong, has lately appeared (Paris, Imprimerie Nationale). There is an introduction, in which M. Lelong studies the history of the Conseil de Commerce, and an index.

Father P. Bliard, S.J., has published the first volume of his work on *Dubois Cardinal et Premier Ministre* (Paris, Lethielleux).

M. Casimir Stryienski has in press *Marie-Josephe de Saxe, Dauphine, et la Cour de Louis XV.* (1746–1767), based on documents in the Royal Archives of Saxony.

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The *Revue des Études Historiques* will publish, in a series of articles during the coming year, a work by M. Marcel Marion, *Condition des Classes Rurales en Bordelais à la fin du XVIII^e Siècle*, to which the Société des Études Historiques has lately awarded the Raymond prize.

The firm of Manzi, Joans and Co. (Paris) announce for November a limited edition of a sumptuous work on the Empress Marie-Louise, by M. F. Masson, which will contain much hitherto unpublished material and many letters. Messrs. Goupil will publish the same work in England.

A noteworthy contribution to contemporary French history is M. Joseph Reinach's impartial and trustworthy *Histoire de l'Affaire Dreyfus : Le Procès de 1894* (Paris, Éditions de la Revue Blanche).

Noteworthy articles in periodicals: E. Jarry, *Actes Additionnels au Contrat de Mariage de Louis d'Orleans et de Valentine Visconti* (Bibliothèque de l'École des Chartes, January-April; S. Charléty, *Lyon sous le Ministère de Richelieu*, I. (Revue d'Histoire Moderne et Contemporaine, July); Georges Weill, *Philippe Buonarroti*, 1761–1837 (Revue Historique, July); René Moreux, *La Situation de la France dans le Levant à la Fin du XVIII^e Siècle*, I. (Revue d'Histoire Moderne et Contemporaine, July); Ph. Sagnac, *La Propriété Foncière et les Paysans en France au XVIII^e Siècle d'apres les Travaux de M. J. Loutchisky* (Revue d'Histoire Moderne et Contemporaine, July); E. Renan, *Turgot* (Revue de Paris, July 1); Arthur de Ganniers, *La Dernière Campagne du Maréchal de Rochambeau* (1792) (Revue des Questions Historiques, July); T. J. Andrews, *Massena's Lines of March in Portugal and French Routes in Northern Spain* (English Historical Review, July); Abbé Feret, *Le Concordat de 1816,—Ambassade à Rome de Cortois de Pressigny et du Comte de Blacas* (Revue des Questions Historiques, July); E. Levasseur, *Les Périodes de l'Histoire des Classes Ouvrières* (Compte Rendu, Académie des Sciences Morales et Politiques, July); Charles Seignobos, *The Political Parties of France* (International Monthly, August).

ITALY.

The Italian Numismatic Society, of Milan, has undertaken to make a *Corpus Nummorum Italicarum*. According to the present plan there are to be sixteen quarto volumes, the first of which will appear by the end of this year.

Messrs. Methuen are to publish *Dante Studies and Researches*, by Mr. Paget Toynbee. Among the subjects dealt with are Dante's Latin Dictionary; Dante and the Lancelot Romance; Dante's Obligations to Alfraganus, to Drosius and to Albertus Magnus; his theories as to the spots on the moon; and the commentary of Benvenuto da Imola on the Divina Commedia.

It is announced that much new matter will be found in the cheaper edition of the Countess Martinengo-Cesaresco's *Italian Characters in the Epoch of Unification*, in preparation by Mr. T. Fisher Unwin (London).

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GERMANY, AUSTRIA, SWITZERLAND.

The publications for 1900–1901 in the *Monumenta Germaniae Historica* include, in the *Scriptores*, the second half of the third volume of *Deutsche Chroniken*, devoted especially to the works of Jansen Enikel, edited by Strauch; and in the octavo series, the *Johannis Codagnelli Annales Placentini*, edited by Holder-Egger, to take the place of the unsatisfactory edition in the eighteenth folio volume. In the *Diplomata* comes the beginning of the third volume, with the *Heinrici et Arduini Diplomata*, edited by Bresslau. The committee has in press: in the *Scriptores*, the fourth volume of lives of saints of the Merovingian period, edited by Krusch, and Vol. XXXI., which is devoted to Italian chronicles of the thirteenth century, edited by Holder-Egger; in the *Leges*, Zeumer's edition of the *Leges Visigothorum;* in the *Diplomata*, the last part of the third volume of *Diplomata Regum et Imperatorum*, and Mühlbacher's volume of Carolingian charters; in the *Antiquitates*, the index to the second volume of the *Necrologia Germaniae*. In the octavo series a volume to include the works of the Nun Hrothsvitha of Gandersheim is forthcoming. An edition of the Acts of the Councils from 742 to 843 is in preparation by Dr. Werminghoff.

A collection of studies brought together to celebrate the fiftieth anniversary of the doctorate of Th. von Sickel forms the sixth supplemental volume of the *Mittheilungen des Instituts für oesterreichische Geschichtsforschung*. They relate largely to diplomatic and to textual criticism.

The researches of the last half century on prehistoric questions have made possible a substantial synthetic work by Professor J. Heierlei, *Urgeschichte der Schweiz* (Zurich, Muller).

Essential contributions to the history of townspeople in the late Middle Ages are now being made by the publication of documents relating to Zurich and to Geneva. The second volume (there are to be three) of Zeller-Werdmüller's *Die Zürcher Stadtbücher des XIV. und XV. Jahrhunderts* (Leipzig, Hirzel) contains the register of the Council of Two Hundred and the register of the Small Council of Zurich for the years 1412 to 1428. The first volume of the *Registres du Conseil de Genève*, edited by M. Émil Rivoire, is now ready.

Professor Erich Marcks, of Leipzig, has been called to Heidelberg to succeed the late Professor Erdmannsdörfer.

Noteworthy articles in periodicals: Agnes M. Wergeland, *Slavery in Germanic Society during the Middle Ages*, II. (Journal of Political Economy, June); J. R. Haarhaus, *Antipäpstliche Umtriebe an einer katolischen Universität* [Bonn] (Historische Vierteljahrschrift, IV., 3).

BELGIUM.

M. G. Espinas is publishing a series of noteworthy articles on *Les Finances de la Commune de Douai, des Origines au XV^e^ Siècle* in the *Nouvelle Revue Historique de Droit Français et Étranger* (XXV., 2, 3, and to follow).

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M. G. des Marez, known especially by his work on the history of landed property in the towns of Flanders, has lately published an original and suggestive study on *La Lettre de Foire à Ypres au XIII^e Siècle*, based on a collection of some 8,000 documents in the municipal archives at Ypres. It forms part of the *Mémoires de l'Académie Royale de Belgique*.

The Story of Bruges, by Ernest Gilliat-Smith, is the latest addition to the Dent-Macmillan series of "Mediaeval Towns."

The important rôle of Nicolas Clénard in the intellectual life of the sixteenth century is brought to full light in a study on his life and works by MM. V. Chauvin and A. Roersch. Their work has been awarded the Stassart prize by the Royal Academy of Belgium, and appears in the sixtieth volume of the Academy's octavo collection of *Mémoires Couronnés*.

The Belgian quinquennial prize for the best work relating to the history of the nation has been awarded to M. Henri Pirenne for his *Histoire de Belgique*.

NORTHERN AND EASTERN EUROPE.

Father G. Gobulovitch has made a new and complete edition of the work of Francesco Suriano, *Il Trattato di Terra Santa e dell' Oriente*, first published at Venice in 1524.

Students of Byzantine history are indebted to Dr. H. Gelzer for *Ungedruckte und Ungenügend Veröffentlichte Texte der Notitiae Episcopatum* (reprinted from the Abhandlungen der königlichen bayerischen Akademie der Wissenschaften, I. Cl., Bd. XXI., Abt. III.).

Les Juifs en Roumanie depuis le Traité de Berlin jusqu' à ce jour, etc., by Edmond Sinecrus, deals with the anti-Semite movement in Roumania. It gives instances of legal persecution since 1886 and evidence of the heavy emigration of the Jews.

Noteworthy articles in periodicals: George Washburn, *The Early History of the Turks* (Contemporary Review, August).

AMERICA.

A Biographical History of the United States, with a scope not unlike that of the American Statesmen Series, is announced by Doubleday, Page and Company. The first volume, to be ready shortly, is the *Life of James Madison*, by Gaillard Hunt.

Part I. of *State Publications*, a provisional list of the Official Publications of the several states from their organization, has appeared, covering the New England states. This bibliographical work under the editorship of R. R. Bowker ought to be of great value to librarians and to students of American history. A similar work, also by Mr. Bowker, is entitled *Publications of Societies*, covering the published proceedings, papers and collections, of over 1,100 organizations.

An abridged edition of *Poole's Index to Periodical Literature* has just been issued in one medium-sized volume by Houghton, Mifflin and Com-

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pany. This includes references to thirty-seven leading periodicals, of which all but seven are American. The seven others include certain of the English reviews, but the presence of Littell's Living Age and the Eclectic Magazine renders the omissions of less moment. The practical advantages of this compression and selection need no explanation to any one who has labored over the existing four mountainous volumes.

A general index to the fifteen volumes of the *Political Science Quarterly* is announced by Ginn and Co. This includes references not merely to the authors and subjects of contributed articles, but to books reviewed and to the record of political events, and ought to be of the greatest convenience to historical students.

The *Bulletin of the New York Public Library* for July contains a detailed list (thirty pages) of the manuscript collections possessed by the library and kept at the Lenox building. The various series, most of which are comprised in the Rich, Bancroft, Emmet, Myers, Ford and Hardwicke collections, are entered in a geographical order of the countries to which they refer. None of the lists of manuscripts printed heretofore in the *Bulletin* is of anything like the same importance as this; indeed this is central to them all—a general guide to the surprisingly rich manuscript treasures of the library. The August number contains the text (in French) of some letters and essays on canals and on free trade which Robert Fulton addressed to General Bonaparte in 1798.

Messrs. Dodd, Mead and Company announce *The Journal of Hugh Gaine, Printer*, edited by Paul Leicester Ford, a document of interest in the early history of printing in the United States.

R. M. McKenzie, of the Periodical Department of the Library of Congress, is preparing *A History of American Journalism*. This work will treat the newspapers individually by states and is expected to comprise at least 2,000 pages. (Washington, Government Printing Office.)

The Macmillan Company has just published *American Diplomatic Questions*, by J. B. Henderson. The same company announces for October a series of studies by Albert Bushnell Hart, entitled *Foundations of American Foreign Policy*.

Les États-Unis et la Doctrine de Monroe, by Hector Pétin, is a valuable study from a strongly critical standpoint, published by the Librairie Nouvelle de Droit et de Jurisprudence, Paris.

A reprint of Morgan's *League of Ho-dé-no-sau-nee, or the Iroquois*, now a half century old, is announced by Dodd, Mead and Co.

At the last Congrès des Sociétés Savantes, Dr. Hamy, of the Institut, presented a number of unpublished documents relating to French expeditions to Florida in the reign of Charles IX., among them some that concern a second voyage of Laudonnière, in 1570, said to be entirely unknown. M. Hamy proposes to use this material in a definitive edition of *French Voyages to Florida from 1562 to 1570*.

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The De Soto expedition through Florida is treated with topographical annotations by T. H. Lewis in the *American Antiquarian* for July and August.

Colonial Fights and Fighters, by C. T. Brady, is announced for publication this autumn by McClure, Phillips and Co., a companion volume to *American Fights and Fighters*. A third volume to complete the series will be called *Pioneer Fights and Fighters*.

The death of Mr. John Fiske will not prevent the publication this autumn of his volume on *New England and New France*. This work was by no means complete, but in spite of sundry gaps and the irremediable loss of the author's finishing touches it seemed to be sufficiently far advanced to warrant its publication to complete the series of Mr. Fiske's histories.

A Calendar of Washington Manuscripts in the Library of Congress, edited by Dr. Herbert Friedenwald, has been recently published (Washington, Government Printing Office). Letters to Washington as well as those written by him or under his authority are here calendared. Perhaps the most important and significant are the letters received during the latter part of the Revolution, indicating the means he employed to obtain information of the condition or the movements of the enemy.

The True Thomas Jefferson, by William Ellroy Curtis, is in preparation for J. B. Lippincott's series of "true" biographies.

A reissue of Mrs. Trollope's *Manners of the Americans* is announced by Dodd, Mead and Co. for the coming autumn.

C. H. Van Tyne, Ph.D., has recently examined, practically for the first time, about one thousand letters to and from Daniel Webster now in the archives of the New Hampshire Historical Society at Concord, N. H. These letters, hitherto unpublished, cover the entire period of Webster's public career and comprise many of the utmost interest and importance not merely from Webster himself but from the leading men among his contemporaries, Clay, Randolph, Adams and others. They will be brought out under Dr. Van Tyne's editorship, by McClure, Phillips and Co., in the coming autumn.

A Soldier's Experience in Southern Prisons is a volume of reminiscences by C. M. Prutsman, published at Lexington, Nebraska, by the author.

Lincoln's Plan of Reconstruction, by Charles H. McCarthy, is announced by McClure, Phillips and Co.

The recent addresses and writings of the late Benjamin Harrison will be collected and published under the title, *Views of an Ex-President*, by the Bowen-Merrill Company of Indianapolis.

A History of the Spanish American War, by General Russell A. Alger, is announced for publication in September by Harper and Brothers. The main theme of this work will be the conduct of the War Department and the controversies to which it gave rise.

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The July issue of the *Annals of the American Academy* is taken up with a valuable collection of addresses given at the annual meeting, on April 12–13, on America's Race Problems. These deal with the people of the Philippines, Hawaii and the West Indies, mainly from an ethnological point of view; the two addresses on the Race Problem at the South are more historical in character, The Relation of the Whites to the Negroes, by President G. T. Winston, LL.D., of the North Carolina College of Agriculture and Mechanic Arts, and The Relation of the Negroes to the Whites in the South, by Professor W. E. B. DuBois, Atlanta University.

Currency and Banking in the Province of Massachusetts Bay, by Andrew McFarland Davis, is published in the third series of Publications of the American Economic Association. The second part, Banking, has just been issued.

An appeal is published in *The Nation* of July 11 for the loan of letters by the late John A. Andrew, "war governor" of Massachusetts, to aid in preparing his biography. Any such which may be sent to H. G. Pearson, Box 395, Kennebunkport, Maine, will be carefully preserved and returned.

The Early History of Vermont, by Lafayette Wilbur is published by the Roscoe Printing House at Jericho, Vermont. Two volumes have appeared; a third is to follow.

Prof. S. C. Derby has just published a pamphlet on *Early Dublin Revolutionary Soldiers*, at Columbus, Ohio.

The Acorn Club of Connecticut will publish very shortly a facsimile of the *Acts and Laws of His Majestie's Colony of Connecticut in New England*, printed in 1702. Of the original document only four copies are known to exist.

S. R. Rider, of Providence, R. I., is writing a work, to be completed in three volumes, on the development of constitutional government in Rhode Island. The first volume, covering the years 1636–1664, is now completed. The other two volumes will cover the years 1665–1790 and 1790–1843 respectively.

In the August issue of the *North American Review*, under the title "John Fiske and the History of New York," Mrs. Schuyler Van Rensselaer criticizes Mr. Fiske's treatment of the Dutch element in his *Dutch and Quaker Colonies*.

A volume entitled *Abstracts of Wills on File in the Surrogate's Office, City of New York, 1665–1707*, published by the New York Historical Society, contains much material of value for economic and social information.

Political Nativism in New York State, by L. D. Scisco, has been issued by the Columbia University Press as part 2 of Vol. 13 of the Columbia University Studies.

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The Maryland Constitution of 1864, by W. S. Myers, is double number 8 and 9 in Johns Hopkins University Studies, Nineteenth Series.

The Virginia Magazine of History and Biography, for July, contains the valuable annotated list of Virginia newspapers in the Library of Congress, and prints a large number of early seventeenth century documents relating to the administrations of Governors Harvey, Berkeley, Effingham and Nicholson, besides selections from letters among the Campbell papers bearing upon the Revolution.

Several letters to Jefferson bearing upon local politics in Virginia and Pennsylvania, in the period of the Confederation, are printed in the July number of *The New England Historical and Genealogical Register*.

The Story of the Georgia People, by C. Gillman Smith, in one large volume of 650 pages, has just been published by the author at Macon, Ga.

Ohio in Congress, from 1803 to 1901, with notes and sketches of senators and representatives, by W. Alexander Taylor, is announced by the Twentieth Century Publishing Company, Columbus, O.

The leading article in the July number of the *Quarterly of the Texas State Historical Association*, is on the annexation of Texas and the Mexican War. The author, Z. T. Fulmore, argues against the Northern and Abolitionist view of the annexation of Texas.

The Philippine Information Society announces the completion of the first series of pamphlets in September, covering the history of affairs up to July, 1901. A second series of *Facts about the Philippines* is announced to begin in October, keeping up with current public events.

Sir J. G. Bourinot has prepared a new and revised edition of his *Manual of The Constitutional History of Canada*, with the purpose of making it as useful as possible for college students. A chapter on the practical operation of parliamentary government in the Dominion has been added and the summary of important constitutional decisions has also been completed to date.

Noteworthy articles in periodicals: Bishop E. R. Hendrix, *Wesley's Original American Journal* (Methodist Review, July); H. Friedenwald, *The Declaration of Independence* (International Monthly, July); Albert Phelps, *New Orleans and Reconstruction* (Atlantic Monthly, July); T. N. Page, *The Southern People during Reconstruction* (Atlantic Monthly, September); J. W. Garner, *Mississippi during the Civil War* (Political Science Quarterly, June); R. R. Elliott, *Two Centuries of Catholicity in Detroit* (American Catholic Quarterly); Woodrow Wilson, *Colonies and Nation* (Harper's Magazine, July–September); F. A. Wood, *A New England Democrat of the Old School* (New England Magazine, July); W. C. Cochran, *The Early Life and Military Services of General Jacob Dolson Cox* (Bibliotheca Sacra, July).

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